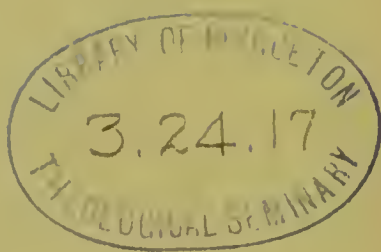


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A HISTORY

OF THE

ESTABLISHMENT AND RESIDENCE

OF

THE JEWS IN ENGLAND;

WITH

AN ENQUIRY

INTO THEIR

CIVIL DISABILITIES.

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INTRODUCTORY REMARKS.

WHOEVER has directed his thoughts to the consideration of the present state of the law, with respect to the Jews in England, must have observed that a considerable degree of doubt and uncertainty exists upon the subject.

Most persons appear to entertain the opinion, that the Jews labour under some disabilities; but of their nature and extent there are, probably, very few who can give any distinct or accurate account.

It will be the object of the following pages to remove, as far as possible, the uncertainty and difficulty by which this question is surrounded—to shew the former as well as the actual situation of the Jews in this country—and to point out the foundation and nature of the law, as it regards them at the present moment.

The peculiarity of the history of the Jews, as connected with our own, renders it necessary, for the purpose of coming to a certain conclusion upon their existing condition, to carry back the enquiry into the state

of the law to a very remote period. It will be seen, from the following narrative, that it is about a century and a half since the Jews returned to England, after being totally absent from the Island for nearly four hundred years. The opinions which prevail at the present day, with regard to the nature of the disabilities under which the Jews are thought to labour, for the most part, are similar to those entertained at a very early period after their return to this country. As to these disabilities, therefore, it is clear that if the opinion of their existence is well-founded, they must result from laws which were in force during the former abode of the Jews in England. Hence a necessity arises for examining, with minuteness, into their situation, prior to their banishment in the eighteenth year of Edward the First. It will be seen by reference to the enquiry at the latter end of this work, that this examination has been carefully pursued—and, notwithstanding a very general opinion to the contrary, the result will appear to be, that the only disability under which the Jews now labour, by reason of any laws anciently in existence, is an incapacity of acquiring landed property. They were formerly under much more extensive disabilities: the whole of these, however, arose out of the circumstance of their being then considered as villeins or serfs of the crown; and, as such a

condition cannot at the present day exist, it follows that those disabilities no longer continue.

The incapacity of the Jews to acquire landed property, at the time of their banishment, rested upon a statute which was passed in the fifty-fifth year of Henry the Third ; and it is upon the operation of this statute alone, that their present incapacity in this respect rests. The authority and force of this statute, it will be found, are much doubted—it is denied that it ever was of legislative force—or, supposing that it was formerly effective to that extent, yet it is contended that it is at present inoperative. The whole of the evidence which could be collected in support of the original power of this statute is presented in the following treatise; and an attempt is there also made to meet the arguments which are put forward to shew that the statute, if ever in force, has ceased now to have any effect. It is proper to state that the course which is thus pursued, was not taken through any desire to maintain the existence of a disability to the prejudice of the Jews, but from a belief that it would be to their advantage, that the full strength of the case which could be made out in support of this disability, should be made public ; in order that, if there was any ground for the opinion that they cannot hold land, the subject might, in the

event of an application to the legislature for the removal of their other disabilities, be well considered.*

It will be seen that the only other disabilities under which the Jews labour, arise out of the necessity which the law imposes in certain cases, of taking the Oath of Abjuration, and subscribing to the Declaration established by the statute of the 9th of George the Fourth—as both the Oath, and Declaration contain the words, “*upon the true faith of a Christian.*” A Jew is of course shut out from filling any situation where these are required: from this cause he is prevented from sitting in Parliament, from holding

* A very clever pamphlet has lately appeared, written by Mr. Goldsmid, in which, as a part of the general subject of the Jewish disabilities, the question of the present force of this statute is skilfully handled. It is principally to the arguments that are adduced by him upon this point that the observations on this head, which will be found in the following treatise, are directed. After the explanation given above of the motives which induced the author to pursue the course that he has taken, it is perhaps unnecessary for him to say that he is by no means desirous of being thought to have the best of the argument. He would, however, press it upon the consideration of those who have undertaken to advocate the cause of the Jews, whether such a case of doubt, at least, is not raised upon this matter, as renders it advisable that some direct legislative declaration should be made upon the subject. Whether there is not still a danger, in the present daily discoveries that are made of ancient documents and records, that some conclusive evidence may still be found which may establish the fact, that the Ordinances in question were of legislative force.

any Office Civil or Military under the Crown, and from filling any situation in Corporate Bodies; and may be excluded from practising at the Bar, or as an Attorney, Proctor, or Notary, from voting at elections, from enjoying any exhibition in either University, and from filling some other offices of minor importance.

Such is a short summary of the disabilities to which it will be seen, the Jews at the present day are subjected in this country.

It is proposed very briefly to enquire, whether these disabilities should be any longer continued.

In considering this subject, it is proper to bear in mind the circumstances which produced the laws that imposed these disabilities.

First, As regards the law which prevents a Jew from holding landed property. It will be shewn in the following treatise, that the statute which raised the disability in this respect, was passed for the purpose of obviating evils which can no longer exist. At the time when the statute was made the Jews were regarded as the villeins of the king, and the crown became entitled, immediately to whatever property they acquired. The object of the statute was to remedy the inconvenience which this right of the king produced; and not to afford security against any evils which were experienced from the

Jews themselves holding land. But the king at the present day, has no such right to the property of the Jews, as that formerly possessed. And, therefore, the cause which made the law in question originally necessary, is at an end. Consequently, even in this contracted view of the subject, it is just, that the statute should be repealed.

Secondly, With reference to the laws, by which the Jews are excluded from the situations and offices that have been above-mentioned. It is to be remarked, that their exclusion in these cases, is the effect of chance, and not of design. None of the statutes which incapacitate the Jews, in this respect, were passed with the intention of imposing any restrictions upon *them*. When those acts were made, *their case* was never contemplated or considered. No grounds were adduced, to shew that *they* should be included within the operation of the restrictive laws—*they* were never even thought of, and consequently, no care or attention was paid to their rights or interests.

Under these circumstances, in considering whether the disabilities, to which, by these acts the Jews are exposed, the only fair way of meeting the subject, is to treat the case, as though it were now intended, for the first time, to impose the restrictions which the laws already in force produce: unless

such a case can be made out as would justify the imposition of these civil disabilities, if they did not already exist; then, in justice to the Jews, they ought to be without any delay removed.

Having made these preliminary remarks, let us proceed to the more particular consideration of the subject under inquiry.

It is not intended, for a moment, to deny the right of the legislature to exclude any class or description of men from the power of acquiring property in this country, or from filling any particular civil offices or situations in consequence of their religious faith, or on other grounds, provided it is satisfactorily shewn that such an exclusion is essential to the general well-being of the community. It is the duty of every government to support and protect the happiness and safety of the great body of the governed. And, it is by no means impossible, that particular individuals may, by means of their religious faith, or of their established habits or opinions, be so clearly dangerous to the security of the state, that they ought to be subjected to restrictions and disabilities. But, admitting, to the fullest extent, the right of government to impose disabilities in such instances, yet it must be allowed, that every case where this right is sought to be exercised, must be regarded as a case of exception; and, therefore, whenever it is pro-

posed that any class of persons should be subjected to restrictions for the general welfare of the society of which they form a part; it must rest with those who contend for the restrictions, to prove the necessity for their imposition.

Applying these principles to the present subject, it is admitted to be *possible*, that under some state of circumstances, a necessity might exist for depriving the Jews of the right to hold land, or for excluding them from all or any of the offices from which they are now shut out. But then it would be the duty of those who contended for the necessity of imposing restrictions in this respect, to make out their case; so here it is incumbent upon those who would maintain that a Jew should continue to be prevented from holding land, to shew the danger that would result to the community in general from their being relieved from this disability. If on the ground of religious faith, they ought to shew what there is in the Jewish religion, which would make it necessary that those who profess it should be excluded from a right that is open to persons of every other persuasion, and which is not even denied to the infidel or to the atheist; — if on the ground of any general habits or fixed opinions, it ought to be shewn what there is of peculiarity or danger in the habits or opinions of the Jews, which renders it expedient to maintain a disability which,

except in their case, is confined to the traitor, the felon, or the outlaw.

Again, it is for those who contend that a Jew ought to be disqualified from filling the offices, and performing the various civil duties from which he is now shut out, to shew upon what ground the necessity of this exclusion is founded,—to demonstrate that by reason of his religious faith, his connexions, his habits, or fixed opinions, the Jew, if admitted to the Senate or to the Bar, to Civil or to Military Office, or if allowed to exercise his talents in the various other situations from which he is now excluded, would necessarily work some damage to society or injury to the state.

It is believed that no such case can, in any of the above instances, be established against the Jews; but, on the other hand, there are obvious reasons for the restrictions, of which he has to complain, being removed.

As a general proposition, no one, it is apprehended, will deny that the safety and well-being of a state is best preserved by giving to every class of the community the fullest possible interest in its prosperity; for there is no class of men so small or so insignificant, but that occasions may occur when the general good may be advanced by a resignation of their immediate individual interests, or by their well-

applied exertions ; but it cannot be expected that any class of men will exert their energies or relinquish their private advantage for the support of a society, in the permanent benefits of which they are not allowed to participate, and from the honours and distinctions of which they are excluded.

Under the existing state of the law, the Jews have no direct interest in supporting the general welfare. They are prevented from acquiring the only species of property which can give them any permanent interest in the country, or by which they may hope to transmit with security the fruits of their industry to their posterity ; they are shut out from the acquirement of all honours and distinction in the state, and are forced to rest any consequence they may obtain in society upon the mere ground of accumulated wealth. It cannot, therefore, be supposed that the Jews will, to any extent, exert themselves for the general good, or that they will abandon, for the benefit of others, any individual advantages which they may possess. Their whole claim to consequence and consideration as far as the law has any effect, is confined to their riches ; to this object alone, therefore, their energies will be naturally applied. And, in their exertions for the acquisition of this single source of distinction that is open to them, it is too much to expect that they will resign any advantages for the prosperity of a

community, whose restrictive laws exclude them from the possibility of obtaining counterbalancing benefits.

But, when we consider the qualifications and powers which every day's experience proves that the Jews possess, can any doubt be entertained that there are many occasions when their exertions, if well applied, may conduce to the general welfare of the community; or when a resignation of their individual interests may be of general service. Though comparatively small in number, the Jews, as a class, are, in proportion to their numerical strength, possessed of more wealth than any other body of men—as a people they are united;—by nature and by habit they are capable of great exertions;—and their patience and perseverance under hardships and difficulties are almost proverbial. In commercial matters, their ready command of money and their extensive foreign connexions afford them most important and peculiar facilities; and there are no persons who are more capable, if they desire it, of turning these facilities to advantage.

In one particular class of transactions, it is a subject of complaint, that the Jews at the present day avail themselves of the peculiar powers which they possess—that they secure advantages, and acquire riches—without any regard to the general interests of the country. They are accused of tampering with

the Public Funds, and with the Foreign Exchanges, and thereby bringing great profit to themselves, though at the same time, they often draw down extensive ruin on others. It is believed, that this accusation is not fairly made against the Jews ; and that in their operations and dealings, they do no more than other persons would do, if placed in their situation. But admitting the charge to be well-founded, it must be evident to every one, that the best course to be pursued for preventing or mitigating this evil, or any others of a similar description, is by opening to the Jews a fresh channel for the employment of their capital—by giving them the means to acquire a permanent interest in the country, and by directing their minds to new and higher objects of ambition. Remove all doubts and difficulties which stand in the way of a Jew acquiring land ; and a large portion of the capital which is now necessarily confined to commercial pursuits, will probably be laid out in the purchase of real property. If the charge above alluded to be true, the value of the Funds and the Foreign Exchanges will by this means become less subject to variation—and the proprietor of land will derive a proportionable benefit from the fresh capital which will be set at liberty, to be applied in the purchase of landed estates.

For the purpose of securing to ourselves the na-

tional advantage to be derived from this desirable appropriation of Jewish capital—it is requisite that all the civil incapacities of the Jew should be removed. Under present circumstances, he would have but slight inducement to resign the advantages which are to be derived from always holding his capital at his immediate command, or for making the sacrifices which may result from a fixed and comparatively unavailable investment of his money. It can not be expected that he will withdraw his wealth from the more profitable operations of commerce, and lay it out in the purchase of large landed estates, if, when possessed of those estates, he is debarred from acquiring the distinctions and the honours, to which other persons who hold that species of property naturally aspire. If shut out from representing his county in parliament; from filling the honourable situations of sheriff, or of a magistrate, and even from having a voice in the election of the person who is chosen to protect the interests of his neighbourhood in the Senate,—can he hope, be his possessions as extensive as they may, that he will ever be looked up to, by his neighbours, with the full respect that his property would enable him to command, if he were under no disabilities; and as he cannot stand in the same situation as his Christian brethren, in this respect, is it to be

supposed, that he will feel an equal desire to become a landed proprietor?

In the adjoining nations of Europe, and in America, the Jew is free from disabilities. In France, and in Holland, for nearly twenty years, he has stood on an equality with the other natives,—in America, for more than forty years,—and no inconvenience has been experienced. What reason, therefore, can there be to apprehend, that, if a similar indulgence were extended to the Jews in this country, any danger would be the result. On the other hand, however, may not the continuance of the disabilities under which the Jews are now placed be productive of much actual loss? Under the present laws the Jews may continue to resort to England, for the purpose of accumulating riches; but their wealth when acquired, will, in all probability, for the most part be expended in countries where their state is, not one of degradation, but of freedom and equality.

The preceding are the more immediately obvious remarks—which a consideration of this subject would present; but there are many other powerful inducements for the repeal of the existing laws relating to the Jewish people, to detail which would, however, much exceed the limits of an introductory chapter.

A HISTORY
OF THE
ESTABLISHMENT AND RESIDENCE
OF THE
JEWS IN ENGLAND.

MUCH difference of opinion has prevailed with respect to the time at which the Jews first established themselves, in this country. Some authors have imagined, that traces of their residence here might be discovered as early as the dominion of the Romans; whilst others have assigned the period of the Norman Conquest as the date of their first arrival in England. The former of these opinions does not seem to rest upon any satisfactory authority*, and the latter, it will be shown, is clearly erroneous.

* The principal, if not only, reason for this supposition is, that about the middle of the seventeenth century, there was found, in digging the foundation of a house in Mark-lane, a curious Roman brick, having on one side a bas-relief representing Sampson driving the foxes into a field of corn. The brick was the key of an arched vault, which was discovered to be full of burnt corn; and as Hercules (the Sampson of the Jews) was the guardian of the Roman granaries, it is supposed that the story of Sampson was

The first mention that we find made of the Jews, in any document connected with English history, is in the Canons of Ecgbright, Archbishop of York, which contain an ordinance, that "No Christian shall judaize or presume to eat with a Jew."* These canons were issued in the year 750, and having been promulgated for the government of the province of York alone, shew that the Jews were, even at that early period, already resident in this country.

Ingulphus, in his History of Croyland Abbey,† relates that, in the year 833, Whitglaff, king of the Mercians, having been defeated by Egbert, took refuge in that abbey; and, in return for the protection and assistance rendered him by the abbot and monks on the occasion, granted a charter, confirming to them all lands, tenements and possessions, and all other gifts which had at any time been bestowed upon them by his predecessors or their nobles, or by any other faithful Christians or by Jews."‡ The notice which is taken of the

applied to him; and as the Romans, at this early period, were very unlikely to have been acquainted with the story of Sampson, it is conjectured that some Jews, after the final destruction of Jerusalem, wandered into Britain, and in the arch of their granary recorded on this brick the story of their delivery from the Philistines. See Leland, Collect. p. 71. Tovey Anglia Judaica, p. 4.

* Ex MSS. Cotton. Nero, A. fol. 131. See Wilkins' Concilia Mag. Brit. vol. i. p. 11. Johnson's Coll. of Ecclesiastical Law, vol. iii.

† Page 9.

‡ Confirmo etiam dicta monasterio omnes terras et tenementa, possessiones, et eorum peculia et omnia alia donaria, quæ prædecessores mei reges Merciorum, et eorum procures, vel alii fideles Christiani vel Judæi, dictus monarchis dederunt, vendiderunt, vel invadiaverunt aut aliquo alio modo, in perpetuam possessionem tradiderunt.

Jews, in this charter, affords a proof that, previously to the time when it was granted, there were some Jews established in England. But the circumstance of their being distinctly mentioned would, at the same time, induce a belief that they were then considered as standing in a different situation, with respect to property, from the Christian inhabitants.

It has been supposed, by some writers, that it may be inferred from this document, that the Jews were, in those days, possessed of landed property in England *; but as the grant extends to “other gifts,” as well as to lands and possessions, if its construction be carefully attended to, it will be found not to afford conclusive evidence of this fact.

Basnage †, in his *History of the Jews*, asserts, that “they were banished from this country in the beginning of the eleventh century, and did not return till after the Conquest.” The authority upon which Basnage rests his account of their banishment, does not distinctly appear; and it would seem, that some Jews were certainly resident in England, towards the middle of the eleventh century, and prior to the Norman invasion. By the laws attributed to Edward the Confessor, it is declared ‡ that “The Jews where-

* See *Ang. Jud.* p. 3.

† *Tom. vii. c. 10 sec. 13.* French edition, tom. v. p. 1660.

‡ *Sciendum est quoque quod omnes Judæi ubicunque in regno sunt, sub tutela et defensione Domini Regis sunt, nec quilibet eorum alicui diviti se potest subdere, sine regis licentia. Judæi et omnia sua regis sunt. Quod si quispiam detinuerit eis pecuniam suam, perquirat Rex tanquam suum proprium.* Hoved. Ann. pars post 604. Spelm. Concil. p. 623. Lambard. And see, on the authenticity of this law, the observations in the note, at the commencement of the following treatise on the civil disabilities of the Jews.

soever they be, are under the king's guard and protection; neither can any one of them put himself under the protection of any rich man without the king's licence, for the Jews, and all they have belong to the king; and if any person shall detain them or their money, the king may claim them if he please, as his own."

Excepting the Canons of Archbishop Ecgbright, the Charter to Croyland Abbey, and the Ordinance of Edward the Confessor, history furnishes no materials from which we can form any conjecture, respecting the Jews in England, anterior to the Conquest. All that can be collected, from this limited information, is, that some Jews were resident here as early as the year 750, and that under the reign of Edward the Confessor, they were regarded as the mere villeins or bondsmen of the crown. With respect to their numbers, their wealth, their habits of life, their civil rights or disabilities, and the estimation in which they were held by the inhabitants, we remain totally ignorant.

FROM THE NORMAN INVASION TO THE REIGN
OF KING STEPHEN.

From the time of the conquest, the information afforded by our historians respecting the Jews becomes gradually more extensive. William * the

* Magd. Cent. II. chap. xiv. 686. Chron. Hol. lib. ii. 15. Stow, Ann. x. 103. Antoninus Chron. tit. xvi. c. 5. Holinshed, vol. iii. p. 15. Baker's Chron. p. 37.

first, soon after he had obtained possession of the throne, encouraged the Jews to come over in large numbers from Rouen, and to settle in England ; and is reported to have appointed a particular place for their residence.

Of the name of this town we are not accurately informed. But Peck*, in his *Annals*, relates that many of the Jews who came over in this reign took up their residence at Stamford. And Wood, in his *History of Oxford*, shews upon the authority of some ancient deeds that, in the tenth year after the conquest, the Jews resided already in great numbers in that university. And it appears, that not long afterwards, they became possessed of most of the houses in the parishes of Saint Edward and Saint Aldgate there, which were, from this circumstance, called the Great and Little Jewries. They also erected a synagogue ; and some of their houses being resorted to by the scholars, for purposes of instruction, they, in process of time, came to be distinguished by the name of halls, as Moyses' Hall, Jacob's Hall, and Lumbard's Hall.†

Whatever may have been the motives which induced William the Conqueror to favour the settlement of the Jews in England : — whether he was prevailed upon by payment of a large sum of money, as the *Magdeburg Centuries* assert, or by any other consideration, it is certain that, from the time of the Conquest, the Jews encreased rapidly in numbers in this country. Under the three first

* Peck, *Ann. of Stamford*, lib. iv. p.

† Wood's *Ann. and Antiq. Oxon.*

Norman kings, they appear to have lived here without molestation. It is probable that they had not yet accumulated sufficient wealth to make them objects of attraction, to the avarice of the crown. Although both Rufus and Henry the first, on several occasions, had recourse to various measures of violence, in order to extort money from their subjects, the Jews do not appear to have been subjected by them to any exactions. When ten thousand marks were required to complete the purchase of the dukedom of Normandy from Robert, it was with the greatest difficulty that William was enabled to procure that sum ; and we are informed that even the convents were forced to melt down their plate, in order to furnish the quota demanded of them. Within the next few reigns we frequently find a small number of Jews, and sometimes a single individual of that community, contributing, at one payment, a sum greater than the whole amount of this purchase money ; and yet, on this occasion, it does not appear that any demand whatever was made upon the Jews. Historians agree in complaining of the heavy and arbitrary taxes imposed by Henry the first upon his English subjects ; but no mention is made of the Jews having been subjected to any exaction, by that monarch.

There were two circumstances, in the reigns of William Rufus and Henry the first, that may probably have contributed materially to lay the foundation of the wealth which the Jews in England subsequently accumulated. It was during this period that the Crusades first began to occupy the minds of

the different nations of Europe. In England, as in other countries, the nobles and men of rank, impelled by the romantic spirit of the age, sold and mortgaged their estates and possessions at terms the most disproportionate to their value, in order to provide themselves with money to defray the expense of their journey to the Holy Land. Many also, from amongst the less elevated classes of society, parted with and pledged their goods and property for the same purpose. The Jews, from the ready command of money which they have ever been found to possess, would not, it may naturally be supposed, fail to turn such a state of things to their advantage. Another source of wealth was opened to them by the appropriation which Rufus made to himself, during his whole reign, of the property of the church. When a bishopric fell vacant, it was the custom with this king to delay the nomination of a prelate, that he might retain the temporalities of the See in his own hands. On such occasions, the persons whom he employed to farm the vacant benefices, and to treat for their disposal when, as was not unfrequently the case, he sold them to the highest bidder, were generally Jews.* There was probably good reason for selecting the Jews for this employment. Amongst his Christian subjects, king William might have had difficulty in meeting with any other persons equally ready to aid him, in his usurpations on the property of the church. Respect for the establishments of their religion, or the dread of

* Pet. Bles. cont. ad an. 1100.

ecclesiastical penalties, would deter the Christians. The Jews would not be influenced by any such restraints.

The conduct of Rufus towards the church, and his frequent disagreement with the clergy, rendered him an object of dislike to the monkish writers, who were the principal historians* of this period; and they have not failed to accuse him of impiety and open profaneness, and to record instances of his disrespect for Christianity. By them we are told that he obtained the advance of considerable sums of money from the Jews, under the promise of obliging such of their body as had embraced the Christian faith to revert to Judaism.† And they state, that on one occasion in particular, a Jew, whose son had been converted to Christianity, paid the king sixty marks, upon an agreement that he would induce the lad to embrace the Jewish faith. The youth was summoned to the king's presence, when both persuasion and threats were employed; but he persisted in holding steadfast to his new religion; and William, finding he could not bring about the point, returned the father the half of his money, saying, "That as he had not fulfilled his engagement, he could not, in justice, retain the whole sum; but that, at the same time, it was only equitable he should keep a part, for the trouble he had taken in the affair." The same historians‡ inform us, that on

* Chron. Baker, 34.

† Chron. Holinshed, lib. ii. c. 27. s. 20.

‡ Antonin. Chron. Pars II. tit. xvi. c. 5. says, the king swore by St. Luke's face, that he would turn Jew if they overcame the Christians. See Stow, Hist. Lond. 288. W. Malmesbury, lib. iv. p. 123. s. 52.

another occasion, the Jews were induced by king William to engage in an open controversy with certain of the bishops and clergy upon the merits of their respective religions, upon a promise that he would give impartial attention to the dispute; and if the Jews had the best of the argument, would himself embrace their faith: whereupon, to use the words of Hoveden *, “ The controversy was carried on with great fear on the part of the bishops and clergy, and pious solicitude by those who feared the Christian faith would be shaken; and from this combat the Jews brought nothing but confusion, although they would many times boast that they were rather overcome by force, than by argument.” However this may have been, the church, it seems, became alarmed at the progress the Jews were making amongst their Christian brethren; for in the next reign we find it mentioned, that monks were sent to several towns in which the Jews were established, for the express purpose of preaching down Judaism. Joffred, abbot of Croyland, in the tenth year of Henry the first, sent some monks from his abbey to Cottenham and Cambridge, to preach against the Jews†; and, about the same time, some ecclesiastics were sent from other parts to Stamford, to oppose the progress of the Jews in that place. Where we are told by Peter of Blesens‡, that “ they preaching often to Stamfordians, exceedingly pros-

* And see W. Malmesbury, Will. II. lib. iv. cap. 52. p. 123. Holinshed, lib. ii. 27. s. 20.

† Peck, Annals of Stamford, lib. iv. p. 18.

‡ Peter of Blesens, p. 115.

pered in their ministry, and strengthened the Christian faith against the Jewish depravity.”

FROM THE REIGN OF KING STEPHEN TO THE
REIGN OF RICHARD THE FIRST.

The countenance and protection which the Jews had enjoyed, during the three first reigns after the Conquest, might naturally lead them to hope, that they had found in England, a permanent asylum from their persecutions. Under this impression, they had employed the season of their tranquillity in the acquirement of property. They were, however, soon made to experience the fallacy of their expectation; for with the accumulation of wealth their security vanished; and as their riches encreased, so in proportion did their oppressions. From this period to the time of their expulsion, our histories abound with details of their hardships. It would be as useless, as it would be tedious, to notice each particular instance of cruelty and tyranny which is mentioned to have been exercised towards them; for there is scarcely a year without some records concerning them, and hardly a record which relates to them but furnishes some evidence of their sufferings. Taxes and contributions, to an exorbitant amount, were continually imposed upon them at the mere will of the crown; and payment enforced by seizure of their properties, by imprisonment, and frequently by the infliction of the most cruel and

wanton bodily torture. Crimes of every description—many of a nature the most absurd and groundless—were laid to their charge, and the severest penalties inflicted for them. Tumults were, on the most frivolous pretences, excited against them—their houses pillaged and burnt—and hundreds of them massacred by the populace, without regard to either age or sex. That, under such an accumulation of misfortunes, the Jews should have not only continued to reside in England, but greatly to increase in numbers, cannot fail to excite our surprise: and if the account of their sufferings had been handed down to us, by writers of their own nation, we might doubt the truth of their statements, or believe them greatly exaggerated. It is not, however, from the Jews themselves, that any part of our information is derived—for it may be noticed as singular, that they do not appear to have preserved any details of their misfortunes—our information rests wholly upon the testimony of our own writers,—upon authorities which admit of no dispute.

King Stephen*, in the fifth year of his reign, exacted a heavy fine, amounting to 2000*l.* from the Jews residing in London, under pretence that some one of their body had been guilty of manslaughter. The Empress Maud, during the short continuance of her authority in England, compelled the Jews settled at Oxford to pay her an exchange of money.† Stephen, upon coming again to the possession of power, followed the example of the empress, and re-

* Madox, *Hist. of the Exchequer*, p. 153.

† Wood, *Hist. Ant. Oxon.*

quired the Jews at the same place to give him three and a half exchanges ; threatening, on default of immediate compliance, to set fire to their houses. The Jews at first attempted to evade the payment—the king, to shew he was in earnest, ordered the house of one of the richest of their body to be burnt—and this command having been carried into execution, the whole sum was forthwith produced.

In the ninth year of this king, the Jews are for the first time accused of the crime of crucifying an infant.* The circumstance, in this instance, is only shortly noticed by historians, and is stated to have taken place at Norwich. In the following reigns, our historians represent, on several occasions, the recurrence of this barbarity ; and assert that it was perpetrated, with the view of holding up to derision the suffering of Jesus Christ on the cross. Notwithstanding the confidence with which these accusations are stated, it is impossible to bring the mind to believe them well-founded,—that an individual, or a body of persons, acting from sudden impulse, or excited by religious frenzy, should, on a single occasion, be guilty of an act of equal, or, if it be possible, of even greater cruelty, one may conceive :—history, indeed, furnishes too many sad examples of such acts, to allow a doubt of their occurrence. But that different bodies of men, at distant intervals of time, uninfluenced by any sudden excitement, and for no other purpose than that of mere derision, should, with de-

* Brompton, Chron. s. 28. in dec. Script. p. 1013. Matt. of Westm. lib. p. 39. Tempore etiam istius regis Steph. an. regni sui nono puer quidam Willielmus nomine Norwich a Judæis cruci figitur. Annal. Waver. 1154.

liberate coolness, practise the cruelty which is thus attributed to the Jews, is without parallel in history ; and one cannot avoid feeling it much easier to suggest motives for the crime having been falsely laid to their charge, than to bring oneself to credit that the offence was really committed. A writer of considerable research and authority asserts, as the result of his enquiries upon the subject, that they were seldom accused of the crime, but at times when the king was in want of money.* In the an-

* Fuller, book iii. p. 87. It should be noticed that the accusation against the Jews of crucifying children was not confined to England; the same charge was at various times brought against them in nearly every country in Europe (see *Modern Universal History*, vol. xiii.) It seems, however, that the evidence of the crime was, in all these cases, as weak as that upon which the charge was supported in this country; still the fact would appear to have received credit with many, and, what is even more extraordinary, there seem to be those in the present day who believe that the Jews of this age are guilty of the barbarity, as will be seen from the following extract from a work lately published. Dr. Walsh, in his *Narrative of a Journey from Constantinople* says, "The Christians of Constantinople charge the Jews with purloining their children and sacrificing them as paschal lambs at their passover. I was one day at Galata, a suburb of Pera, where a great commotion was just excited. The child of a Greek merchant had disappeared, and no one could give any account of it. It was a beautiful boy; and it was imagined it had been taken by a Turk for a slave; after some time, however, the body was found in the Bosphorus; its legs and arms were bound, and certain wounds in its side indicated that it had been put to death in some extraordinary manner and for some extraordinary purpose. Suspicion immediately fell upon the Jews; and, as it was just after their paschal feast, suspicion, people said, was confirmed to certainty. Nothing could be discovered to give a clue to the perpetrators; but the story was universally talked of, and generally believed all over Pera. The prejudice has also been greatly increased by a book written by a Jewish rabbi converted to Christianity, which is a great curiosity. It is entitled, "A Confutation of the Religion of the Jews, by Neophytus, a Greek monk, formerly a Jewish rabbi." The original work was in the Moldavian language, and was printed in the year 1803; but it is said that the Jews at that time gave a large sum

nals of the reign of Henry the second, the same charge is twice repeated. On one occasion, the act is stated to have been perpetrated at Gloucester*, on the other, at Bury St. Edmund's.† The latter place had already become famous for its monastic establishments; and the monks, it seems, who were settled there, did not fail to derive advantage from the feelings which the belief of the crime excited. They caused the body of the child to be interred with great ceremony and every mark of respect;—the shrine was declared capable of producing supernatural effects, and speedily became renowned for the miracles which it wrought. Persons from all parts, led by curiosity or induced by feelings of superstition, visited the shrine. The offerings which were made on the occasion, could not fail

of money to the Hospodar, and the book was suppressed and destroyed. A copy, however, escaped, which was translated into modern Greek and printed at Yasi in 1818, of which I had a copy at Constantinople. The first chapter is entitled, *Μεστηριοι κεκρυμμενοι νυν δε αποκεκαλυμμενοι*—"The concealed mysteries now made public." The subject is, "The blood which the Jews take from Christians, and the purposes to which they apply it." After detailing a number of the most extraordinary particulars, he concludes in the following words; "When I was thirteen years old, my father revealed to me the mystery of the blood, and cursed me by all the elements of heaven and earth if ever I should divulge the secret even to my brethren; and when I was married and should even have ten sons, I should not discover it to all, but only to one, who should be the most prudent and learned, and at the same time firm and unmoved in the faith; but to a female I should never disclose it on any account. 'May the earth,' said he, 'never receive thee if thou revealest these secrets.' So said my father; but I, since I have taken as my father the Lord Jesus Christ, will proclaim the truth in every place, and, as the wise Sirac says, 'even unto death strive for the truth.'"

* Brompton, ann. 1160.

† Chron. Gervasii, script. dec. 1458. c. 23.

to be productive of considerable profit to the church. - It can hardly be supposed that any great care was taken to examine into the truth of the circumstance upon which the benefit was founded. It is moreover to be remembered, that the clergy, in those days, regarded the Jews with particular abhorrence ; and would not be backward in seizing an opportunity of propagating the belief of an act, which would tend to make them the objects of general detestation. The wealth which the Jews in this country possessed was already considerable, and enabled them to realize large profits by lending out money upon interest. This practice was one which incurred the severe censures of the church. The Jews were charged with being guilty of usury, which was on all occasions held out by the clergy to be a crime of the greatest magnitude. The feelings which the ecclesiastics entertained upon this subject, probably also at this time, received additional force from the conduct of some unworthy members of their own body, of which the Jews were no doubt considered as the cause ; for in the records of this reign, which have come down to us, we find it stated among other things, that the Jews of Bury St. Edmund's were fined five marks* for taking in pledge from the monks of that place certain vessels appropriated to the use of the altar. Benet, the Jew of Suffolk, was fined 20*l.* for taking some consecrated vestments upon pawn. And William de Waterville, the Abbot

* Mag. Rot. 29 Hen. II. Rot. 2, b. Novof. and Sudf.

of Burg, was deposed for having entered the church, at the head of a band of armed men, and taken thence the arm of St. Oswald, the Martyr*, (pro denariis ad Judæos invadendis), to pawn them to the Jews. One of the claims advanced by King Henry against Archbishop Beckett, was in respect of a sum of 500*l.* which that prelate had borrowed of a Jew.†

During the reign of Henry the second, the Jews were subjected to severe exactions from the crown; on one occasion a tallage of a fourth part of their chattels was levied upon them, and immediately afterwards they were forced to raise the sum of 30,000*l.* for the purpose of defraying the expenses of the king's intended journey to the Holy Land‡, the rest of England for the same object was taxed at 70,000*l.* When ambassadors were sent over to the king by the Emperor Barbarossa§ to induce him to take part against Pope Alexander in a schism which then existed in the church of Rome, respecting the right of succession to the papal chair, the sum of 5000 marks was demanded of the Jews to be used for the purpose of buying over the envoys to the king's interest. This sum was directed to be paid without delay, and those who refused to contribute were immediately banished from the country; besides these demands upon the body of the Jews generally, individuals amongst them were also constrained to pay sums to a large

* Hoveden, Brompton.

† Fitz-Steph. p. 360. 38.

‡ Stow Chron. ad an. 1188.

§ Gervas. Dorobor. 1458. S. 13.

amount to the king, thus Jurnett a Jew of Norwich, was mulct at the sum of 5525 marks, and at another time in the sum of 2000 marks.*

In the twenty-fourth year of the reign of Henry the second, the Jews were relieved from a grievance which they had hitherto endured. Up to this time, notwithstanding their number, and that they were dispersed over most parts of the kingdom, they were not permitted to have more than one place of burial in England; this was situated in the outskirts of London †; hither they were forced to bring their dead from all parts of the country. The Jews, in the last-mentioned year, obtained permission to purchase grounds for the purpose of interment in the neighbourhood of the different towns where they resided; this favour was not granted to the Jews until they had made repeated solicitations to the king—and it is a fact which marks the general feeling then entertained towards them, that their application was

* *Mad. Hist. Excheq. Mag. Rot. 32 Hen. II. Rot. 14.*

† Stow, in his *Survey*, gives the following account of the situation of this ground:—"In Redcross-street," he says, "on the west side from St. Giles' Churchyard up to the said Cross be many fair houses builded outward, with divers alleys, turning into a large plot of ground, of old time called the Jews' Garden, as being the only place appointed them in England wherein to bury their dead till the year 1177, the 24th Hen. II. The plot of ground remained to the said Jews till the time of their final banishment out of England, and is now turned into fair garden-plots and summer-houses for pleasure. It is now called Jewen-street, being a continued street of contiguous houses on each side of the way and leadeth out into Aldersgate-street. This place with the appurtenances was anciently called Leyrestowe, which King Edward I. granted to William de Monte-forte, Dean of St. Paul's, London, at 40s. per annum."—Book iii. p. 89.

strongly opposed by most of the great men and nobles of the day.*

OF THE JEWS DURING THE REIGN OF RICHARD
THE FIRST.

From the accession of this monarch to the throne, the Jews had to date the commencement of a new series of sufferings. Under the reign of Henry the Second, although they had been frequently subjected to heavy pecuniary exactions, the vigorous administration of that prince had shielded them from popular violence. King Richard, whose whole thoughts were taken up in the contemplated relief of the Holy Land, and the recovery of Jerusalem, seems to have regarded the Jews with feelings of much antipathy, as being the sworn enemies of a religion of which he professed himself so zealous a champion. Actuated by these sentiments, and desirous, perhaps, to give proof of the hatred he entertained towards the opponents of Christianity in general; Richard, as one of the first acts of his reign, caused a proclamation to be issued forbidding any Jew to approach the palace, during the ceremony of

* Hoved. 568. Brompt. 1129. Pol. Virg. 236. Holinsh. lib. ii. 101. The place allotted to them, at Oxford, was where the tower and south side of Magdalen College now stands. This ground was afterwards taken from them, and they then used for the same purpose a piece of land which is now occupied by the Botanical Garden. Tovey, 12. Wood's Hist. et Antiq. Oxon.

his coronation.* The issuing of such a proclamation at the commencement of the reign, was an ill omen of the treatment which the Jews were to expect, under the government of the new monarch. They were desirous, if possible, to soften the mind of the king, and with a view to this purpose, deputed some of the chief men from amongst them to carry rich presents to him.† These persons hoping that they would be protected, by reason of the gifts which they bore, ventured to approach the court-yard of the palace, at the time of the coronation, and the crowd pressing forward, they were, before they could obtain permission to enter, forced within the gates. The attendants who were stationed at the entrance, charged them with disobedience to the king's command, and with blows forced them back into the street. The mob, who were assembled on the outside, when they saw what took place, raised a cry that the king desired the proclamation, he had issued, to be enforced, and forthwith fell upon such of the Jews as were mingled with the crowd, and beating them, several were severely wounded, and some killed. A report was now quickly spread through the city that the king had ordered all the Jews to be put to death, for the disobedience they had shown to his commands. The people lost no time in putting this supposed order into execution. The Jews were sought out by the populace in every quarter of the city, and wherever they were

* Matth. Paris, p. 108. Triv. ad an. 1190. Chron. Holinshed, lib. xi. c. 118. p. 60.

† Holinshed, 118. b xl.

found were slain, without mercy. Many took refuge in their houses, and defended themselves with determined courage, till the rabble, whose fury was increased by the opposition they experienced, set fire to their houses and burned them to the ground, the Jews and their families perishing in the flames.* Information was at length carried to the king of what was taking place; he was at the time seated at the banquet, but immediately gave directions to Ranulph de Granville, the Lord High Steward, to quell the tumult. This officer, taking with him some of the chief nobility, used his endeavours to put a stop to the outrage, but the populace would pay no regard to his authority, threatened him with violence, and forced him to retire. The tumult continued during the whole night, the houses of all the Jews were plundered, and most of them burnt, and it was not till the next day that an end was put to the proceedings, by a large force sent into the city by the king. A few of the most active of the rioters were apprehended, and three of them were afterwards executed, not however for the pillage and murder of the unfortunate Jews — but one of them, because, during the tumult, he had robbed the residence of a Christian; and the other two, because by setting fire to the house of a Jew, they had exposed the dwellings of the neighbouring Christians to destruction.†

The historians in whose writings the details of these outrages are preserved, relate an anecdote of a

* Chron. Holinshed, lib. 2. c. 118. s. 40, &c.

† Gulielm. Neubrigensi, 313. Ann. Waver.

Jew who was called Benedict of York. This man having fallen into the hands of the populace, during the tumult, to save his life, called out that he would turn Christian, whereupon he was carried by the mob to the prior of St. Mary of York, and was by him baptized. The king hearing of the conversion commanded the Jew to be brought into his presence, and questioned him whether he had sincerely renounced his former faith, he answered that he had not, but only, through fear of death, submitted to whatever the Christians required of him. Richard, who was, at the time, attended by the chief dignitaries of the church, asked the Archbishop of Canterbury what punishment should be inflicted on the apostate? the archbishop replied, "Not any, for if he will not be a man of God, let him be a man of the devil." Shortly after the Jew died, and Hovenden says, was denied the rights of a Jewish burial for having deserted the Hebrew faith, and for having returned to Judaism, was refused the privilege of a Christian interment.*

The spirit which had broken out in London against the Jews, was speedily communicated to other parts of the country. To put an end to these disorders, the king caused writs to be issued through all the counties, forbidding any molestation to be offered to the Jews. But notwithstanding these writs, the Jews were, in many places, subjected to severe persecutions;—in Dunstable and some other towns, they

* Other historians state that this Jew afterwards went to York, and fell a prey, with the rest of his unfortunate nation there, to the fury of the populace.

saved themselves, by professing to renounce the Jewish faith, and by being baptized into the church of Christ. In the town of Lynn they were treated with great severity and cruelty. The circumstances under which the tumult there took place were the following; a Jew had been converted to Christianity—his brethren were enraged at his conduct, and sought to be revenged—they waylaid him—and one day as he passed through the streets, endeavoured to get him into their power—he however fled, and took refuge in a neighbouring church—some of the Jews pursued him thither—whereupon the sailors belonging to a ship then lying in the harbour, raised a cry that it was intended to put the convert to death, and being joined by the townspeople, under the plea of saving the man's life, fell upon the Jews, drove them to their dwellings, and entering with them slew many, carried off whatever valuables they could find, and then set fire to their houses. The mariners, enriched by the spoil, embarked immediately on board their vessel, and putting to sea got clear off. The townspeople were called to account for the outrage which had been committed, in disobedience to the proclamation issued by the king; but escaped punishment by laying the whole affair to the charge of the sailors.*

By this time, King Richard had passed over to the continent, to join the King of France in the crusade to Palestine. Those who had taken the Cross were assembled in most of the principal towns, prepar-

* Walteri Hemingford. Chron. cap. 42. Holinshed, vol. ii. p.

ing to follow him ; of these, the greater number were ill provided with funds, to defray the expences of their journey to the Holy Land, and their zeal in the sacred cause readily justified any conduct, whereby the pious object, to which they were pledged, might be advanced. They observed, with envy, that the Jews were possessed of wealth—they regarded them as infidels—and persuaded themselves that they should render good service to God, if, by wresting the riches from the hands of unbelievers, they obtained the means of aiding in the overthrow of the enemies of Christianity.* In Stamford, Lincoln, and Norwich,† the houses of the Jews were plundered by the crusaders, and many Jews were slain. The same outrages were committed in several other parts of the kingdom. At York, the popular feeling communicated itself to all classes of the inhabitants, and many of the nobles, and principal gentry, of the neighbourhood, associated themselves with the soldiers of the Cross. The houses of the richest of the Jews were spoiled and burnt, and many together with their families were murdered. The common people, urged by the example of their superiors, fell upon such as escaped the first assault, and with savage fury slew them, without regard to age or sex: five hundred, with their wives and children, escaped to the Castle, and, by permission of the sheriff and keeper, took refuge there. Afterwards, thinking that these officers also had taken part with their assailants, they refused to

* Chron. Walt. Hem. cap. 43. Holinshed, vol. ii. p. 482.

† Chron. Walt. Hem. cap. 43. p. 515. Polyd. Virg. lib. xiv.

allow them to enter; whereupon the sheriff assembled an armed force, and laid siege to the castle. The mob joined in the attack, and though they were before sufficiently bent upon destruction and plunder, were (to the shame of the Church) further stimulated by the exhortations of the clergy. One in particular, a canon of the order of Præmonstanses, shewed his zeal on the occasion; for several days he appeared amongst the people dressed in his surplice, and greatly increased their fury by continually calling out in a loud voice, “Destroy the enemies of Christ! Destroy the enemies of Jesus!” At length the priest received the punishment his conduct justly merited; for having approached too near the walls, he was crushed to death by a stone which was rolled down from the battlements.*

For a time, the Jews defended themselves with desperate bravery, but the assault being warmly pressed, they found that they had no hopes of escape, and they offered a large sum of money that their lives might be spared. This was refused, and they proceeded again to take vigorous measures for their defence; determining to hold out to the last moment. Of a sudden, however, their purpose was altered: one of their elders, a man of great authority amongst them, having called them together, stood up and addressed them in the following words:—“Ye men of Israel, hearken unto my counsel. It is better for us to die for our law by our own hands, than to fall into the hands of the enemies of the law, and we are

* Chron. Walt. Heming. cap. 44.

so commanded by the law.” Almost unanimous consent was instantly given to this counsel; and with a determination to which it would be possible to find but few parallels in history *, every master of a family, taking a knife, cut the throats of his wife and children, and then of the other members of his house, and lastly, destroyed himself. When this dreadful act was completed, those who remained alive, taking up the dead bodies, threw them over the walls, on to the heads of the besiegers. Afterwards they burnt their clothes, and such of their valuables as would consume, and threw the rest of their treasures into the sinks and drains of the castle. The greater part of those who survived, collecting themselves together in one of the buildings, set fire to it, and perished in the flames; a few only of less courage, than their brethren, still remained. These, coming forward upon the ramparts, called out to the assailants, and shewed the manner in which their companions had fallen, and offered to receive baptism if their lives might be spared. This was granted to them; but they no sooner passed the gate, than the people fell upon them and slew them, with the exception of one or two, who escaped. Afterwards the populace

* A parallel is indeed furnished in the history of the Jews themselves. It is related, that after the taking of Jerusalem, some Jews fled to Massada, where they were besieged by the Romans; finding themselves unable to withstand their attack, they, at the instigation of Eleazar their commander, destroyed themselves, their wives and children, to the number of 960, A.C. 72. Vide Millm. Hist. Jews. The whole relation of what took place, on this occasion, is so singularly similar to the occurrence mentioned in the text, that little more than a change of names is necessary, to make the history of one event a faithful account of the other.

burnt and destroyed all the houses of the Jews in the city which had not been previously demolished, and running to the cathedral, where the charters and bonds of the Jews were deposited, took them out, and destroyed them.* Fifteen hundred Jews are stated to have perished at York on this occasion, besides those who fell in the other parts of England.†

When the account of these outrages reached the king's ears, he sent over immediate directions to the Bishop of Ely, his chancellor, to apprehend and punish the offenders. The chancellor accordingly set forward to York with a strong force, to execute the king's commands ; but the principal actors in the massacres there, being warned of his approach, made their escape ; some of them flying into Scotland, but the greater number proceeding on their journey to the Holy Land.‡ The governor of the castle was, however, apprehended ; and not being able to clear his conduct, was deprived of his office. A heavy fine was also imposed upon the inhabitants of the city ; but, with these exceptions, it does not appear that any individual was brought to punishment for the part he had taken in the late disturbances.§

When Richard returned home, after his captivity, the affairs of the Jews were again brought under his consideration ; and he appointed justices itinerant to proceed, through the different parts of England, for the purpose of making further inquiries concerning

* Stow, Ann. 159. Walt. Hem. c. 44.

† Fox Mart. vol. i. p. 305.

‡ Gul. Neubrigensi, p. 240.

§ Chron. Walt. Hem. cap. 45. Chron. Holinshed, lib. xi. c. 145. s. 20.

the disturbances which had taken place, during his absence. These justices were also directed to ascertain the nature, and extent of the properties, and possessions of the Jews who had been slain, and particularly to take an exact account of all the debts which were owing to them, either upon mortgages, or other securities. In the same year, certain ordinances were also instituted, for the registration of the estates and possessions of the Jews.* By these it was directed that all their debts, mortgages, lands, and possessions, should be registered upon oath, and that in all contracts entered into by Jews, indentures of two parts should be made; of which one part was to be deposited in chests provided for the purpose, to be placed under the charge of certain officers, before whom also the indentures were to be previously executed; and all Jews were called upon to make oath, that they would secretly give information, to the justices, of all falsifiers and forgers of charters, and clippers of money, who were known to them.†

Whatever may have been the avowed intention for which these laws were framed, it is clear, that the regulations which they imposed rendered the property of the Jews more easily available, to the purposes of the crown; and though the records, of the few remaining years of this reign, do not furnish us

* See these ordinances at length in the Appendix.

† Out of these ordinances, and the charters of King John, mentioned afterwards, arose the Exchequer of the Jews, which was a court where all the affairs concerning that people, and the revenue which the crown derived from them were regulated. See in the following Treatise "Upon the Civil Disabilities of the Jews."

with any instances of their being turned to purposes of oppression, yet it will be found, that succeeding monarchs continually took advantage of the power, thus placed in their hands, to seize upon, and appropriate to their own use, the possessions of the Jews.

OF THE JEWS DURING THE REIGN OF KING JOHN.

The natural effect of the cruelties to which the Jews had been subjected, during the last reign, would be to deter them from attempting to accumulate wealth, in this country; and it was to be apprehended, that instead of resorting to England, as holding out to them inducements for the acquirement of riches, they would withdraw themselves altogether from the island, or devise means of transporting their gains to other parts; but the unlimited power which the law permitted the king to exercise, over the properties of the Jews, and the facility which this circumstance afforded, of obtaining supplies, to a large amount, upon any emergency, made it of importance to the crown that some measures should be devised, which would have the effect of allaying the fears of the Jews, and holding out to them the expectation of greater security in future. Accordingly, King John, in the first year of his reign, to shew the Jews that they would not be prejudiced, by any antipathies which he entertained towards them, on account of their religious faith, granted them permission to nominate a person to the situation of High Priest of

England, and confirmed the appointment by a charter under his own hand. This charter, which secured to James, the Priest of London, the person named, the enjoyment of the office during his life, at the same time provided him a safe conduct throughout the kingdom, for the exercise of his duties, and was couched in language of singular affection and respect.*

In furtherance of the same purpose of conciliation, the king also, in the second year of his reign, granted two other important charters; the one extended to the Jews of Normandy, as well as to those of England, the other was confined to England alone. By these charters it was, amongst other things, granted to the Jews, that they might live freely and honorably within the king's dominions, and hold lands, and have all their privileges and customs, as quietly and

* The words of the charter of safe-conduct are sufficiently curious to warrant their being shortly stated. They were as follows:—"Johannis, Dei gratia &c. omnibus fidelibus suis ad quos &c. Mandans vobis et præcipiens. Quatenus per quascunque villas et loca Jacobus, *presbyter* Judæorum *dilectus et familiaris noster*, transierit, ipsum salvò et liberè cum omnibus ad ipsum pertinentibus transire, et conduci faciatis; nec ipsi aliquod impedimentum, molestiam, aut gravamen fieri sustineatis, plusquam nobis ipsis. Et si quis ei in aliquo foris-facere præsumpserit, id ei sine dilatione emendari faciatis. Teste, &c. It should be remarked that a difference of opinion has existed, whether the office of *presbyter* to which the appointment was, in the above case made, was the same as that of high priest. Lord Coke and Mr. Selden were of opinion that the office was purely ecclesiastical; but Prynne, from finding that the same person who was *presbyter* acted sometimes as comptroller in the Exchequer, thought the duties of the office were wholly of a civil nature. Dr. Tovey agreed with Lord Coke and Mr. Selden; and this seems the better opinion, as the two offices appear to have been sometimes held by different persons, though there does not occur an instance, where the person who was appointed *presbyter*, was not previously a priest.

honorably as they had, in the time of Henry the Second; that if a Jew died, the king would not disturb his possessions, provided he left behind him an heir who could answer his debts and forfeitures; that they should be at liberty to go where they would, with all their chattels and effects, without restraint or hindrance. Certain regulations were also prescribed, for the adjustment of any differences which might arise between the Jews themselves, or with Christians; as between themselves, all disputes were to be settled according to their own customs; if any Christian had a plaint against a Jew, it was not to be tried in the ordinary manner, but by a jury of Jews, and before particular judges.* In return for these charters, the Jews paid the king the sum of 4000 marks.†

In the fifth year of this reign, the Jews were subjected to ill treatment, from the citizens of London. As the king still continued to shew a desire of affording them protection, they petitioned him to use his authority, and obtain them security from a recurrence of the grievance: whereupon he immediately wrote a sharp letter to the mayor and barons of London,‡ in which he told them, that “as they knew the Jews were under his special protection, he wondered that any ill had been suffered to come upon them;” and after committing the Jews to their guard and protection, concluded with saying, that if any fresh injuries should be allowed to befall them, he

* Vide Appendix, B.

† Madd. Excheq. 155.

‡ Matthew Paris and Stow.

should require their blood at the hands of the citizens.*

These measures of conciliation had the desired effect, the Jews placing reliance in the protection thus offered them by the king, again applied themselves, with full confidence, to the acquirement of property; and before ten years of this reign had passed away, their increasing wealth rendered them capable of affording a rich harvest to the crown. When the king found that this was the case, he began to throw aside the disguise he had assumed, and by every means which lay in his power endeavoured to reap the advantages, his policy had placed within his grasp. In the year 1210 he laid a tallage upon the Jews of 66,000 marks, and enforced payment by imprisonment, and by the infliction of various modes of bodily torture; many were deprived of sight†; one, a Jew of Bristol, who hesitated to pay the sum at which he was assessed, is stated to have been condemned to the cruelty of having one of his teeth torn from his head, each day, until he had discharged his quota; for seven days he submitted to the torture: on the eighth day, having lost all his teeth but one, he found the means of providing for the amount demanded of him.‡

* Pat. Rot. 5 John, m. 7. Tovey, p. 68.

† Stow. Trivet. 154. Pol. Virg. 274.

‡ Chron. Holinshed, lib. xi. s. 30. p. 174. Holinshed concludes his account of this torture with these quaint observations:—"He paid the money," he says, "to save that one tooth, who, with more wisdom and lesse paine, might have done so before, and have saved his seven teeth, which he loste with such torments, for those homelie tooth-drawers used no great cunning in plucking them forth (as may be conjectured)."

The next year a further tallage was levied, in respect of which one Jew alone paid 5500 marks.* In the eighteenth year of his reign John imposed another heavy tax, and compelled its payment by imprisonment and other measures of violence.†

Besides the sums which were thus raised upon the Jews, by means of taxes affecting their whole community, the king derived considerable advantages from appropriating the property of individuals amongst them; in some instances he would seize upon their houses, and grant them away to other persons‡; but the mode which he more generally adopted to turn their acquirements to account, was to enter into agreements and compromises with their debtors, either releasing in full the sum which was due, or discharging the interest payable upon the amount.§

It would appear, that the right which the king thus assumed, of treating the debts due to the Jews as his own, although it brought considerable advantage to the crown, was found, in some instances, to be grievous in its effects to the people in general; it placed all persons, who were under engagements to the Jews, in the same situation as the debtors to the king, and thereby subjected them to liabilities much more extensive than those to which, in common cases, they would have been exposed. When, therefore, the barons forced from King John the great charter of liberty, they included in it two several

* Mag. Rot. 13 John, Rot. 22. † Claus. Rot. 18 John, m. 4.

‡ Claus. Rot. 15 John, m. 3.

§ Fine Rot. 17 John, p. 1. And see in the following Treatise.

clauses, which had for object the regulation of the claims in respect of these debts, and the twelfth clause of Magna Charta declares: "If any one have borrowed any thing of the Jews, more or less, and dies before the debt be satisfied, there shall be no interest paid for that debt, so long as the heir is under age, of whomsoever he may hold; and if the debt fall into our hands, we will take only the chattel mentioned in the charter or instrument." The thirteenth clause further declares, that "If any one shall be indebted to the Jews, his wife shall have her dower and pay nothing for the debt; and if the deceased leave children under age, they shall have necessaries provided for them, according to the tenement of the deceased, and out of the residue the debts shall be paid, saving, however, the service of the Lord."

The barons, who had assembled with the view of compelling the king to grant this charter, collected part of their forces in London; and whilst they remained there, broke into the residences of the Jews, and pillaged them of whatever valuables they could find; and then, pulling down the houses, carried off the stones of which they were built*, and used them for the purpose of repairing the walls of the city.

* Some years ago, when Ludgate was pulled down, one of these stones was found with a Hebrew inscription upon it—"The house of R. Moseh, the son of R. Isaac, the wise and the learned." Stow, agreeing with other antiquarians, says, in his Survey, that this stone served for part of the front of a house. Lord Coke, however, supposes it was used as a grave-stone, 3 Inst. Dr. Tovey seems to prove that Stow's account is the correct one.

HENRY THE THIRD.

A.D. 1216.

When Henry the third succeeded to the throne he was still in his minority; and owing to the weak, but arbitrary conduct of the late king, the country was in a state of general turbulence and discontent. It was, therefore, fortunate for the Jews, in common with the community at large, that the administration of affairs, in the early years of this reign, fell successively into the hands of men of distinguished ability and virtue. The Earl of Pembroke, whilst by his talents and vigor he reduced the disaffected to respect the power of the crown, reconciled all ranks of men to his authority by the equity and impartiality of his measures. Hubert de Burg, who, upon the death of the Earl of Pembroke, succeeded him in the chief direction of the government, was little inferior to him in the wisdom and probity of his conduct. During the fifteen years that these ministers continued in power, no instances are recorded of any acts of violence having been offered to the Jews; but we are, on the contrary, informed that measures were, at an early period, adopted for their special relief, and protection. Many individuals amongst them were exonerated from burdens which had been previously imposed; and numbers were immediately liberated from imprisonments, to which upon various pretences they had, under the late king been condemned.* Writs and letters patent were issued, directed to the principal

* See various writs commanding their release, given in Prynne, 2 Dem. 16 b.

burgesses of each of the towns where the Jews resided, commanding that they should be held secure from any injuries, either to their persons or to their properties; and, particularly, that they should be guarded against any violence from the hands of the Crusaders.* In addition to these measures, a confirmation was granted of the charter they had obtained in the beginning of the late reign, by the terms of which it will be remembered that most important privileges were secured to them, and their estates and persons were protected from violence. At the same time with this confirmation of their former charter, the Jews were further exempted from the jurisdiction of the ecclesiastical courts; and, to secure them a more strict administration of justice, the judges who in the late reign had presided over their affairs in the Exchequer, and who had shewn themselves unworthy of their trust, were removed from their office, and persons of character appointed in their place.† In conjunction with these measures, the sheriffs of the different places where the Jews resided were directed to require that they should distinguish themselves by wearing, on all occasions, a particular mark upon their clothes.‡ The mark was to be attached to their upper garment, and was to consist of two white tablets of linen or parchment, and to be affixed to their breasts. This order, although it certainly bears the

* Claus. 2 H. III. pars ii. m. 9. 10. And see the writs given by Prynne, 2 Dem. 17.

† Pat. Rot. 2 H. III. pars i. m. 3, &c.

‡ Prynne Dem. 18. Claus. 2 H. III. m. 10.

appearance of being of a nature, at once degrading and oppressive, has nevertheless been considered as dictated by no unkindly intention. And it has been remarked, that by making the Jews thus plainly known from other persons, any who offended against the directions given for their protection, would be deprived of the excuse, they might otherwise have made, of being ignorant of their persons.*

The protection which was thus extended to the Jews again inspired them with confidence; those who had survived the oppressions of the last reign began afresh to accumulate wealth; and numbers of their nation were induced to come over, from the Continent, and settle in this country. The first of these latter who arrived were treated with violence by the wardens of the ports where they landed. They were thrown into prison, and pillaged of their effects. For though the policy of the government towards the Jews had changed, the hatred and cupidity of the people in general remained unabated. When, however, information was given at court of the circumstance, relief was quickly afforded. Writs were issued to the officers of the different ports, commanding that such Jews as had been imprisoned should be set at liberty, and be allowed to live freely and without restraint, upon consenting to enter their names upon the Rolls of the Justices of the Jews, and not to depart the country again without permission.†

The clergy, it would seem, took umbrage at the countenance which the Jews enjoyed, and resolved

* Tovey, *Angl. Jud.* 79.

† *Pat. Rot.* 3 H. III. p. 2. m. 6. Prynn, *Dem.* 18.

to attempt, by an exercise of ecclesiastical authority, to overbear the effects of the security which had been afforded, by the measures of government. The Archbishop of Canterbury, in conjunction with the Bishop of Lincoln, published a general prohibition, by which all persons were forbidden to buy any thing of the Jews, or to sell them any victuals or other necessities, or to have any communication with them ; declaring, at the same time, that they were persons, who, by the laws of the church, were excommunicated for their infidelity and usury. The Jews appealed to the crown for protection, and obtained relief. Directions were sent to the sheriffs of the different counties and cities, to prevent the prohibition being enforced ; and orders were given to imprison all persons who, by reason of the commands of the church, refused to sell provisions to the Jews.* This edict of the church was published, in the seventh year of this reign. In the annals of the succeeding seven years, no mention is made of the Jews ; and we may therefore conclude, that during that period they were permitted to live free from persecution. Unfortunately for them, as well as for the nation in general, the conduct of public affairs was, after that time, taken out of the hands of Hubert de Burg who till then had continued in power, and was placed under the controul of men, whose principles and motives were entirely opposite to those of that minister. From henceforth the Jews, in place of the security they had previously enjoyed,

* Pars ii. Claus. 7 Hen. III. Prynn, Dem. 19.

were subjected to continual violence and arbitrary exaction. The change of feeling, on the part of the government towards them, was first manifested in the fourteenth year of the reign. In this year they were compelled to give up a third part of their moveables to the crown.* Immediately after the imposition of this tax, the Jews in London were subjected to an unexpected act of injustice and oppression. By permission of the king, they had lately completed a synagogue, upon a scale of great magnificence. No objection whatever was made to the work in its progress; but, as soon as it was finished, the king sent directions to have it seized, and forthwith granted it to the brothers of St. Anthony of Vienna, to be by them converted into a church.†

From this time, scarce a year was allowed to pass without taxes to a grievous amount being exacted.‡

* Matt. Paris. Matt. of Westm. Holingshed, lib. ii. p. 211.

† Stow, Ann. 182. The building was, by Edward IV., annexed to Windsor College.

‡ In the years 1230 and 1231 the tallages levied upon the Jews amounted to 15,000 marks; Prynne Dem. 21, b. In 1233 they were taxed at 18,000 marks: Tovey Angl. Jud. p. 91. In 1236 to the same amount: Ib. p. 26. The next year they are again mentioned to have been taxed, but the amount is not stated; Madox, p. 152. Prynne, Dem. 27. In 1239 they were forced to pay a third part of their goods, and in 1241 to raise 20,000 marks; Dem. 25. Madox, p. 152. In 1244, 20,000; Ib. p. 153. In 1245, 60,000; Ib. Matt. Paris says, the king received this tax with his own hand, p. 605. In 1246, 10,000 marks; Dem. 36. In 1247, 5525 marks were levied; Mad. In 1249, 10,000 marks; Dem. 38. In 1250, a great part of their goods were taken; Hol. p. 242. In 1251, 5000 marks of silver and 40 of gold; Mad. p. 154. In 1252, 3500 marks; Prynne, Dem. 42. claus. 36 to 3. In 1253 the Jews gave the king 5000 marks in July to be exempt from taxes till the Easter following; Ib. p. 42, b. In 1259, 5000 marks; Ib. p. 48, b. In 1269 the Jews agreed to pay the king 1000*l.* a year to be exempt from tallage for three years. In 1271 they were again forced to raise the sum of 6000 marks; Rot. Pat. 55 Hen. III. m. 12. Tovey, 192. There were probably other tallages than

These taxes were enforced by imprisonment; by seizing the property and possessions of the Jews; and by taking from them their wives and children:* and punctuality of payment was secured by obliging the richest of their community to become sureties for the rest, under similar penalties.† In addition

those which are mentioned in the text, though we have not now evidence of them. In the latter years of the reign, however, the money which was exacted from the Jews seems to have been, commonly, raised by mortgaging the whole community: we may well suppose that the mortgagees would not fail to make the most that they could by the bargain. The following authorities on the value of money at the time these taxes were imposed will enable us the better to estimate their burthen. Bishop Fleetwood says, in his *Chronicon Preciosum*, that “since the Norman conquest, a mark has been only a denomination, and early after that period was, as at present, 13s. 4d.” From the Norman conquest the pound weight of silver contained twenty merely nominal shillings.” Anderson, in his *Introduction to his History of Commerce*, says, “When we read or speak of any sum of money in our histories, from the Saxon times to the year 1344, we are ever to consider it, on an average, as about thrice the weight, and value of the like sum in our time.”

* Claus. 25 Hen. III. m. 5. Ib. 36 Hen. III. m. 26. dorso. Pat. 43 Hen. III. m. 4. Memor. 28 Hen. III. Rol. 14. Mad. Excheq. 152. Pat. Rot. 56 Hen. III. m. 10.

† On one occasion, in particular, writs were issued to the sheriffs, commanding them to summon six of the principal Jews, from their several counties and cities, to come and treat with the king at Worcester, “as well concerning his as their advantage;” (*ad tractandum nobiscum, tam de nostra quam suâ utilitate*). From the wording of these writs, the Jews might probably hope, that they were to assemble for the purpose of devising means for bettering their condition. They were, however, not kept long in suspense, as to the reason of their presence being required; for they were no sooner met, than the king informed them, that he had called them together to demand, from them, the sum of 20,000 marks, to be paid within the year; that they were to assist the sheriffs in the collection of that sum, under penalty, in case of default, of forfeiture of their goods and estates, and other severe punishment. One of the writs which were, thereupon, issued to authorise the Jews to proceed in the collection, ends in these extraordinary words:—“*Sciatis quod à vobis requiremus, si quid de prædicto tallagio nostro, in*

to these tallages extending to the whole community of the Jews, the title which the crown claimed to their property was continually enforced against individuals; and on every succession of property they were constrained to pay fines, often most exorbitant in amount, to the king, for permission to take possession of it*. Large sums were, moreover, exacted as penalties for offences charged to have been committed. The accusation of crucifying the children of Christians was again renewed.† At one time in particular, when the scene of the offence was laid at Lincoln, it was reported that one of the Jews who was apprehended for the crime disclosed the names of his accomplices, and confessed, upon his life being promised to him, that this barbarity was repeated every year; and that some of the principal Jews from each town always attended on the occasion. Upon the foundation of this confession which, however, did not save the life of the accuser‡, eighteen of the richest Jews were

terminis nostris defecerit, et tam graviter contra vos manum nostram aggravabimus, quod pœna vestra erit omnibus ad terrorem." Claus. 25 Hen. III. Prynne, Dem. 29, where the names of the Jews summoned are given. Prynne calls the meeting a parliament.

* Fin. Rot. 19 H. III. p. 1. m. 3. And see in the following treatise, p. 80.

† Chron. Holinshed, lib. xi. 253. 50.

‡ He was dragged at a horse's tail to the place of execution, and there hanged in chains; as Trivet expresses it, "*His body and soul were made a present to the demons of the air.*" Amongst other things, he is stated to have confessed, that the child was fed for some time on milk to make him more susceptible of pain; that in the assembly, one of the Jews was appointed to act, as Pontius Pilate, and pronounce sentence of death against the children; that the child was then whipped, till the blood gushed out; that he was crowned with thorns, buffeted, and spit upon; that every one present

hanged as accomplices, and their properties forfeited; numbers of others were also imprisoned in the Tower for different periods.* Another sin imputed to the Jews, and for which heavy fines were imposed, was, that they were in the habit of stealing Christian infants, and performing upon them the operation of circumcision.† No offence was, indeed, too improbable to be laid to their charge. They were even accused of plotting against the state‡, and of attempts to overturn the government; but the most absurd accusation brought against them was, that a party of them had collected together large quantities of combustible materials at Northampton, for the purpose of employing them in the destruction of London by fire.§ Upon this incredible charge, many Jews were burnt alive, and their effects seized into the king's hands. Matthew Paris, who lived in this reign, and was an eye-witness of the oppressions to which the Jews were subjected by the crown, gives a distressing picture of their sufferings. He concludes his account of the manner in which the king practised his extortions, with these words: *Non tamen abrando,*

plunged a knife into him; that he was then made to drink vinegar, and was crucified by the name of Jesus; that a spear was pierced into his heart after he was dead; and that *his entrails were taken out and used in magic operations.* Matth. Paris. The probability of this last accusation affords a fair criterion, of the truth, of the rest of the story.

* Stow, Ann. 190. Holingshed, vol. ii. p. 253.

† Mad. Hist. of Excheq. 155. Placit. 19 Hen. III. vol. xxi.

‡ Matth. Paris.

§ Fox, Acts and Mon. vol. i. p. 423.

*vel excoriando sed eviscerando extorsit.** As an instance of the enormous sums which individual Jews were made to pay, the same author relates that he was told by one Aaron, the Jew of York, that he alone had been forced, at different times, to pay sums, equal in amount to 30,000 marks of silver, to the use of the king, and 200 marks of gold for the queen's service.

In vain did the Jews remonstrate against these accumulated oppressions; their remonstrances were only met, by a renewal of their hardships. In vain did they pray for permission to depart from the country, in order that they might seek an asylum in some other land; this alternative was also denied them, and proclamations were issued forbidding any Jew to leave England without the king's licence.† Having failed to obtain redress when sought, in terms of humble supplication, they wanted not the courage to enforce their complaints, in language at once bold, and impressive. When the principal amongst them had been summoned before the Earl Richard of Cornwall, the king's brother, and the council, and were threatened with imprisonment and death, unless they forthwith supplied the sum, required of them, Elias, their High Priest, stood up, and in the name of his brethren, addressed the assembly in these words:—

“O noble Lords, we see undoubtedly that our Lord the king purposeth to destroy us from under heaven. We entreat, for God's sake, that he give us

* Matt. Paris, p. 831.

† 2 Dem. 45.

licence and safe conduct to depart out of his kingdom, that we may seek a mansion in some other land, and under a prince who bears some bowels of mercy, and some stability of truth and faithfulness, and we'll depart never to return again, leaving our household stuff and houses behind us. But how can he spare us miserable Jews, who destroys his own natural English; he hath people, yea his own merchants, I say not usurers, who by usurious contracts heap up infinite heaps of money. Let the king rely upon them and gape after their emoluments; verily, they have supplanted us, which the king, however, dissembles to know; exacting from us those things, we cannot give him, although he would pull out our eyes or cut our throats, when he had first taken off our skins." * Afterwards, in a memorial presented to the king himself, they thus addressed him: "Sir king, we see thou sparest neither Christians nor Jews, but studiest with crafty excuses to impoverish all men. We have no hope of respiration left us, the usurers of the Pope † have supplanted us. Per-

* Matth. Paris. Baker Chron. p. 132. Mad. Exch. p. 156.

† The Pope used to employ certain Italian merchants, called *causini*, to carry on the trade of usury, in England for him. The method which these persons used, to avoid the charge of usury, was this: if a person wanted a sum of money which he could not repay, under six months, the merchants would lend it him, for three months, without any interest, and covenant that they should receive 50*l.* per cent. every month, after the six months that the sum should remain unpaid. It was contended, that this could not amount to usury, for that the money was lent absolutely free from interest, and that what was received, afterwards, depended upon a contingency that might never happen, or might be defeated. Henry, in the 36th year of his reign, ordered that the *causini* should be prosecuted, with the utmost rigour of the law, for their usuries; but they pleaded that they were the servants of the Pope and were employed by him. Matth. Paris, p. 286. Tovey, 123.

mit us to depart out of the kingdom with safe conduct; and we will seek for ourselves such a mansion as we can, be it what it will." Although we may admire the boldness with which the Jews (notwithstanding their degraded and dependent situation) demanded relief from their wrongs, it can in no way excite astonishment, to find that the language they employed had not the effect of procuring them the redress which they claimed. When the king received their memorial, and was informed of the address to the council, he expressed himself in terms of violent anger. The words which he used on the occasion are recorded:—"Is it to be marvelled at," he said, "that I covet money; it is a horrible thing to imagine the debts wherein I am held bound. By the head of God, they amount to the sum of 200,000 marks; and if I should say 300,000, I should not exceed the bounds of truth. I am deceived on every side; I am a maimed and abridged king; yea, now but half a king. There is a necessity for me to have money, gotten from what place soever, and by what means soever, and from whomsoever."*

No time was lost in devising measures for procuring a supply, according to the intention thus expressed. The Duke Richard proposed to provide the king with the sum which was required, upon condition that the whole of the Jews should be assigned over to him. The king consented to the proposal, and forthwith, upon receiving the money, mortgaged the Jews to the Duke as a security for the sum advanced.†

* Matth. Paris.

† Mad. Exch. 156.

The oppressions exercised towards the Jews by the king, rendered them obnoxious to the inhabitants of the places where they resided. The continual exactions to which they were subjected had necessarily the effect of withdrawing large sums from the towns of their abode; and it could not fail, sooner or later, to be discovered that though the tax, in the first instance, fell upon the Jews alone, yet that eventually the wealth of the neighbourhood was thereby considerably diminished. It was, it is probable, with a view chiefly to this consequence, that many towns obtained, during the present reign, from the king charters or writs, directing that no Jews should reside within their walls. Charters or writs to this effect were granted to the towns of Newcastle,* Derby,† Southampton,‡ Wycomb,§ Newbery,|| and to other places; and the Jews were forced to remove with their families and effects. It would have been happy for the Jews, if the necessity of changing the places of their residence had been the only hardship to which, through the popular feeling, they were exposed. In many parts of the country, the people treated them with open violence; charges of the wildest description were raised against them, and made excuses for the exercise of every species of cruelty and extortion; tumults were excited; their houses were pillaged and burnt; and hundreds fell victims

* Rot. Claus. 18 Hen. III. m. 16.

† Rot. Original. 45 Hen. III. Parliament. Collec. p. 17.

‡ Claus. Rot. 20 Hen. III. m. 10. § Claus. 19 Hen. III. m. 3. p. 1.

|| Claus. 28 Hen. III. m. 17.

to the frenzy of the populace. At Norwich, on the occasion of some Jews being executed upon a charge of having stolen a Christian child, the citizens broke into and stripped the houses of the Jews there, and, setting fire to them, burnt them to the ground.* At Canterbury, the Jews were subjected to a similar violence, the immediate cause of which is not mentioned; but it is stated, that the clergy there did not scruple to encourage the outrage, and to take an active part with the mob on the occasion.† At Oxford, the scholars of the University, having upon some pretext picked a quarrel with the Jews, broke into their houses and pillaged them of their property.‡ At the same place, on another occasion, the Jews were accused of having, during the time of a solemn procession, thrown down and broken the cross which was carried before the University authorities. All those who could be found within the city were seized and imprisoned until they had provided sufficient funds for the erection of a cross of white marble, with golden figures of the Virgin and Jesus Christ, and also a rich silver cross to be carried before the masters and scholars of the University in their processions. The marble cross was placed in Merton College,§ and the silver one in-

* Holinshed, lib. xi. Matt. Paris, p. 360.

† Holinshed, ad ann. 1262. Stow, Chron. ib.

‡ Chron. Thom. Wikes, cap. 1244. Chron. Holinshed, lib. xi. p. 238. s. 10.

§ Dr. Tovey says, that the cross was erected where the brewhouse of the college stood in his time, and, upon the authority of Ross the antiquarian, that it remained till the time of Hen. VI., when it fell down. *Anglia Judaica*, p. 174.

trusted to the fellows of that society.* At Brentford,† the people rose upon the Jews and robbed them of whatever goods they could lay their hands upon. On this occasion, forty-five of the principal actors in the outrage were apprehended by the authorities of the place. The whole of these were, however, shortly after liberated, upon the intervention of the Bishop of Lincoln; because it was maintained, that no man could impeach them of any *crime or breach of the peace*.‡ In London, upon pretence that a Jew had wounded a Christian, for refusing to pay interest upon a sum of money which he had borrowed, the populace, in conjunction with the soldiers from the army of the barons, then in the neighbourhood, fell upon the Jews, demolished their synagogue, plundered their houses, and slew nearly seven hundred.§ Two years after this, they were charged with having devised treason against the barons and citizens of London; and, under pretence of this charge, such of these unhappy people as could be found in London were murdered by the inhabitants, and all their goods and effects seized.|| After the battle of Eversham, when the rebel barons had assembled an army in the eastern counties, they marched a part of their forces to Lincoln, broke into the houses of the Jews, and plundered them of

* Claus. 53 Hen. III. m. 10. 18. Prynne, Dem. p. 60. Wood's Hist. and Antiq. Oxon, ad ann. 1268.

† Holinshed, vol. ii.

‡ 31 Hen. III. Mad. Hist. Excheq.

§ Chron. Holinshed, lib. xi, p. 60. 263. Stow, Ann. 192.]

|| Matt. West.

their wealth ;* then, making an excursion to Cambridge they committed a similar outrage, and, carrying away with them the richest of the Jews, forced them to pay heavy ransoms for their liberation.† These, and many other acts of oppression and cruelty were inflicted upon the Jews by the populace. The conduct of the people was the natural result of the unrestrained extortions practised by the crown. The daily occurrence of these extortions led the populace to regard the Jews as persons who were not within the usual protection of the law ; and they, therefore, considered it no crime to enrich themselves at the expense of those unfortunate people. But though the king did not hesitate to oppress the Jews himself, yet he had good reason for protecting them against the extortions of his subjects. He regarded the Jews and all they possessed as his own peculiar property ; and he consequently looked upon every act by which they were impoverished, as withdrawing so much from his own wealth. Measures were therefore taken to prevent a continuance of the outrages of the people ; and directions were issued to twenty-six of the principal inhabitants of the towns where the Jews resided, to protect them from any further acts of violence, under heavy penalties for disobedience.‡

In this reign, several ordinances were issued for regulating the conduct, as well as the properties, of the Jews. By an edict made in the thirty-seventh

* Chron. Holinshed, lib. ii. p. 20. 272. Trivet. Chron. p. 620.

† Ann. Waver. p. 222.

‡ Pat. 48 H. III. m. 11, 12, &c.

year of the reign, it was ordained, that “no Jew should remain in England who did not render service to the king,—that there should be no schools for Jews, except in places where they were wont to be of old. That in their synagogues, all Jews should pray in a low voice, according to the rites of their religion, so that Christians might not hear them.—That every Jew should be answerable to the rector of his parish, for parochial dues, chargeable on his house.—That no Christian woman should suckle or nurse the child of a Jew*; nor any Christian serve a Jew, eat with them, nor abide in their houses.—That no Jew or Jewess should eat meat in Lent, or detract from the Christian faith.—That no Jew should associate with a Christian woman; nor any Christian man with a Jewess.† That every Jew should wear a badge on his breast, and should not enter into any church or chapel, except in passing to and fro, and then should not stay there, to the dishonour of Christ.—That no Jew should hinder any other who was de-

* The reason of prohibiting Christians from suckling the children of Jews, may be collected from an Epistle of Pope Innocent the Third, written to Hick, Bishop of Sens, and the Bishop of Paris, not many years before these ordinances were promulgated. Amongst other things, the Epistle states, “*Accepimus autem quòd Judæi faciunt Christianas filiorum suorum nutrices: et (quòd non tantum dicere, sed etiam nefandum est cogitare) cum in die resurrectionis Dominicæ illas recipere corpus et sanguinem Jesu Christi contingit, per triduum ante eos lactent, lac effundere faciunt in latrinam.*” Decret I. lib. v. tit. 6. cap. 13. The glossator of the Epistle states the cause of this custom amongst the Jews to be, because “*credebant, scilicet, Corpus Christi, descendere in stomachum et incorporari,*” and then gravely proves this to be impossible by many learned arguments. See Tovey. 104.

† *Quod nullus Judeus habeat secretam familiaritatem cum aliquâ Christianâ, nec aliquis Christianus cum Judæâ.*

sirous to embrace the Christian faith.—That they should not abide in any town, without the king's special licence, save in places where they were formerly wont to reside." On offending against any of these provisions, their properties were to be immediately seized.*

By the statute of Pillory, passed in the fifty-first year of this reign, it was enacted, amongst other things, that "no person should purchase flesh of a Jew." The regulations of these statutes had reference principally to the conduct of the Jews, and to their intercourse with the Christians. There were, however, circumstances arising out of the authority claimed by the crown over the Jews, which induced the nation to require some regulations with respect to their property and possessions. The right of the crown, with respect to them, was not unfrequently in the exercise, oppressive to the Christian inhabitant. When the king seized the estate of a Jew into his hands, he claimed to be entitled, as part of his effects, to all the debts which were, at the time, owing to him, and the debtor to the Jew thereby became the debtor of the king†; a situation which the wants of the crown in those days rendered dangerous and oppressive. It was the custom of the Jews, instead of advancing money on mortgage, to purchase certain rent-charges on annuities secured upon the landed estates of the debtor. These rent-charges had increased to a very large extent; and by becoming vested in the king, were probably found to

* Claus. Rot. 37 Hen. III. m. 18. Mad. p. 169.

† The tallages of the Jews were also levied upon their debts, &c. See Rot. Pat. 2 Ed. I. m. 3.

give the crown a dangerous hold, upon the landed proprietors of the country. As a further consequence also of the title claimed by the king to the property and estates of the Jews, an encroachment was made upon the accustomed rights of tenure. When a Jew became entitled to any landed property, the fruits and privileges of the lord of the fee became immediately endangered or suspended; for, besides that the land was liable, at any time, to be seized into the hands of the king, who, upon feudal principles, could not hold of any inferior, the lord was deprived at once of his chance of escheat, and the advantages of reliefs, as the king claimed, in all cases, to succeed to the lands of a Jew, upon his death; and the heir, for permission to take the land of his ancestor, paid his relief to the king. In cases of outlawry, moreover, the king stepped in and deprived the lord of his escheat.

In consequence of this state of circumstances, the king was constrained, towards the conclusion of his reign, to give his consent to two several ordinances. By the first of these it was provided, that all the debts of the Jews, secured as rent-charges upon the lands of the debtor should be void; and that, in future, it should be unlawful to create any such charge, under pain of death in the Jew, and forfeiture of the land in the Christian.—By the second ordinance, it was enacted, that no Jew should from thenceforth have a freehold in any manors, lands or tenements, whatever, excepting that they might, as theretofore, hold houses for their habitations in the towns and boroughs where they resided; that all feoffments

and grants, by which any Jew then held land, should be annulled, and the lands revert to the Christian from whom they had passed, upon payment back of the money given for them ; and that if, at any time thereafter, a Jew should take any lands or tenements, the same should be immediately taken by the king, till the Christian should redeem the same. It is singular, that in this latter ordinance is contained a clause, by which it is expressly forbidden to any Christian to serve a Jew, in the capacity of baker, or brewer, or as a nurse.

Before concluding the annals of this reign, one important measure with regard to the Jews, remains to be noticed. Previous to this period, the Jews who had been induced to renounce the errors of their faith, and embrace Christianity, had universally, both in this country, and in the neighbouring cities of Europe, been forced to give up all their property to the king, and subsist on the charity and compassion of the clergy and laity ; the consequence was, that most converts were reduced to a state of penury and wretchedness, a circumstance which was supposed materially to impede the progress of conversion. In order, therefore, to afford some remedy against this evil, and, by the appearance of greater comfort and security, to induce the Jews to renounce their errors, King Henry, in the seventeenth year of his reign, established the House of Converts in London *, and

* This house was situated in New-street, now Chancery-lane, and was built upon the spot where the Rolls now stands ; the person, to whom the care of this house was intrusted, was called Custos or Warden. In the 45th year of Edward I., William Burstall, the Master of the Rolls, was appointed

built a church for their use, and at different periods endowed it with lands and other grants, and made regulations for the better maintenance and support of converts.

EDWARD THE FIRST.

A. D. 1272.

The first public act of this reign, which had reference to the Jews, was in conformity with the example set by preceding monarchs; it held out the hopes of safety and protection. Shortly after the death of the late king, proclamations of peace and security issued, extending as well to the Jews, as to the nation in general.* It was, however, quickly evident that, as far as regarded the Jews, these proceedings were little more than mere matters of form. Steps were, in a short time, taken

to the office, and expended a large sum of money in the repairs of the building. In consideration of this expense, the king was prevailed upon to annex the custody of the house to the office of the Master of the Rolls, for ever, upon condition of keeping the building in repair: all future Masters of the Rolls were to have possession given them by the Lord Chancellor. This grant of the king was confirmed by parliament in the first year of Richard II. It appears to have been considered that, notwithstanding this grant, converted Jews were still entitled to an allowance, out of the revenues of the house; in 5 Rich. II. two-pence a day for life was granted to a convert; in the reign of Hen. IV. a convert obtained an allowance of a penny a day; and even so late as the second year of James II. two Jewish converts received three-halfpence a day, for an allowance. See Tovey's *Anglia Jud.* p. 91. 224.

* Claus. 1 Edward I. m. 7.

to facilitate the levying of taxes, upon them. New officers of their exchequer were appointed ;* directions were given to enforce the regulations, by which they were obliged to confine themselves within particular towns, and cities ;† and orders were forwarded to the sheriffs of the different places where they resided, to examine the registers of their debts and possessions, and make a faithful return of their estates and effects.‡ As soon as the necessary information, upon these orders, was received from the sheriffs, a new tallage was imposed upon the Jews : and authority was given to enforce the payment, together with that of all arrears due on former assessments, by measures of the greatest severity. The collectors were directed to levy the sums which were demanded, upon the goods and chattels of those who hesitated to contribute their proportion ; and if the amount could not, by this means, be obtained, they were empowered to punish the refractory, with banishment from the kingdom,—to imprison all such as common thieves, who should be found in the country, after three days from the time they were under these orders, directed to leave it,—and the lands, houses, and effects of those who should be banished, were to be forthwith taken possession of and sold.§ The persons who were appointed to carry these directions into effect appear to have executed the office, entrusted to them, with such relentless

* Claus. 1 Edw. I. m. 10, &c. Just. Judæorum.

† Claus. 1 Edw. I. m. 7. De Judæis Anglici inhabitantibus villas.

‡ Pat. 1 Edw. I. m. 18.

§ Pat. 2 Edw. I. m. 3. 5.

severity, that the king's mind was moved to pity ; and, in many cases, he gave orders to release particular individuals, amongst the Jews, from a part of the demands made upon them.*

The complaints which had been made, towards the end of the last reign, of the injuries which were experienced by the people in general, from the laws and proceedings respecting the Jews, it seems were now again renewed. And the extent to which the Jews continued to practise a system of usurious dealings was, it appears, also the subject of increased remonstrance. In the third year of this reign,† the king was forced to pass the statute which is known by the name of the Statute de Judaismo,‡ this statute set forth that the king and his ancestors had had great profit from the Jews, yet that many mischiefs and disherisons of honest men had happened by their usuries ; and it therefore enacted, that from thenceforth no Jew should practise usury,—that no distress for any Jew's debt, should be so grievous, as not to leave the debtor the moiety of his lands and chattels, for his subsistence ;

* Claus. 3 Edw. I. m. 12, 13, &c.

† Lord Coke attributes this act to the 18th Edw. I. and supposes that the departure of the Jews from this country was occasioned by its having been passed. Prynne, in his 2d Dem., gives many documents, which prove that Lord Coke's opinion was erroneous. In the parliamentary edition of the statutes, the act is attributed to the 3d of Edward I. In an ancient MS. collection of the statutes, apparently of the fourteenth century, in the University Library at Cambridge (lib. iv. 17.), this statute follows the statute of Wynton, and immediately precedes the stat. of Acton Burnel in another ancient MS. collection in the same library, m. m. 1. 27. It follows the stat. of Westminster, and precedes the statutes of Gloucester and Acton Burnel.

‡ Chron. Wikes. Ann. Waver.

that no Jew should have power to sell or alien any house, rents or tenements, without the king's leave, but that they might purchase houses in cities as theretofore, and take leases of land to farm for ten years; and that they should be at liberty to carry on mercantile transactions in the cities where they resided, provided, however, that they should not, by reason of such dealings, be talliable with the other inhabitants of the cities, seeing that they were only talliable to the king, as his own bondsmen; and it directed that they should reside only in such cities and boroughs as were the king's own,—and that all Jews above the age of seven years, should wear a badge in the form of two tables of yellow taffety, upon their upper garments; and that all above twelve years of age, should pay to the king at Easter, the sum of three pence. The provisions of this act were afterwards strictly enforced; writs were at different periods issued to compel the Jews to reside in the towns prescribed for them,* to levy the sum of three pence a head on all above the age of twelve years,† and to oblige all, who were more than seven years old, to wear the badge directed by the statute.‡ By an edict subsequently issued by the king, the direction with respect to the wearing badges was extended to Jewesses as well as to Jews;§ and orders were at the same time given to see that no Christian served a Jew in any menial capacity.|| In ad-

* 12 Edw. I. claus. 8.

† 5 Edw. I. claus. m. 13. dorso. Rymer Feod.

‡ Ib. Claus. 10 Edw. I. m. 8.

§ Claus. 6 Edw. I. m. 6. Dem. 79. Pat. 10 Edw. I. Rym. Feod. 599.

|| Ibid.

dition to these regulations which were solely of a temporal nature, other measures were taken with respect to the Jews, which had reference to their religious observances. The king, with an appearance of pious zeal, which was either prompted by the dictates of his own conscience, or adopted in deference to the spirit of the times, commanded steps to be taken to induce the Jews to respect, and embrace the Christian faith. The first means adopted with a view to this object were, as might have been expected in that age, of a compulsory nature, though those which followed were of a somewhat different character. In the 7th year of his reign, the king issued a proclamation directing, that any Jew who was heard openly to revile the divinity of Christ, should be forthwith put to death; and if convicted of being a common blasphemer, should be punished according to the law in such cases.* About the same time, certain friars of the order of Dominicans undertook to preach to the Jews, and to convince them of the errors of their religion. To forward their pious intentions, the king issued writs, to the sheriffs and bailiffs of the different towns where the Jews resided, commanding that they should be compelled to repair to such places as the friars should appoint, and be forced to listen to the lectures which were delivered with attention, and without disturbance.† The king, on his part, conceded a portion of the advantages to which he had heretofore been entitled, from the power he possessed over the property of

* Rym. Fœd. p. 570.

† Rot. Pat. 8 Edw. I. m. 37.

the Jews. In England, as in most other countries, a custom prevailed by which, upon the conversion of a Jew to Christianity, the king seized and disposed of the whole of his property and effects. As the convert was in this manner deprived at once of all he possessed, it was not likely that many would abjure their ancient faith: letters patent were therefore published, declaring, that in future, any Jew, who might become a Christian should retain the moiety of his property to his own use; the other half was secured to the house of converts, founded by the late king, to be applied (together with the produce of all deodands which were granted at the same time) towards the support of that establishment.* Historians do not record any benefits that resulted from the measures thus taken to induce the Jews to renounce the errors of their faith; and it would seem that but few, and those of the lower classes, were prevailed upon to make the sacrifice which was still incurred by the convert to the Christian creed. Notwithstanding the concessions which were thus made on the part of the crown in favor of the Jewish converts, the Jews still continued to be subjected to tallages of a heavy amount†, the payment of which was enforced by seizure of their goods and by banishment. Orders were at various times issued to open and examine the chests in which their properties and possessions were enrolled;‡ and great part of their effects were taken, and the sums in which

* Post, p. 80.

† Claus. 3 Edw. I. Pat. 5 Edw. I.

‡ Claus. 3 Edw. I. m. 13. m. 23. Pat. 14 Edw. I. m. 20.

other persons were indebted to them were levied and appropriated by the king.* Accusations were, moreover, at different periods made against them, of various descriptions of crimes. The principal offence with which they were now charged, was with clipping and falsifying the coin of the realm; and many for this were condemned to suffer death, and were executed.† In the 7th year of this reign no less than 294 were put to death for this cause; and all they possessed taken to the use of the king.‡ To what extent the Jews were really guilty of this latter offence for which they suffered it is impossible now to determine. Historians, however, mention that sums to a large amount were exacted from them by the common people through threats of accusing them of the crime.§ To such length was this system of exaction carried, that the king found it necessary to issue a proclamation, declaring that from thenceforth no Jew should be held answerable for any offence, theretofore, committed. This act of evident justice was, however, accompanied by a condition which throws a degree of doubt upon the real motive by which it was suggested. In order to bring himself within the security of the proclamation, the person accused was bound to pay a fine to the king.

The next act relating to the Jews, of which mention is made in our history, occurred in the sixteenth

* Claus. 5 Edw. I. m. 6.

† Pat. 12 Edw. I. m. 4. Pat. 11 Edw. I. m. 22. Claus. 7 Edw. I. m. 7. Ann. Waver.

‡ 2 Dem. 81.

§ Claus. 7 Edw. I. m. 7. 2 Dem. 81.

year of this reign. In that year, it is stated that the Jews were, on the same night, apprehended throughout England, and thrown into prison; and were only released upon payment to the king of 12,000 pounds of silver as a ransom.* Some historians relate that the Jews were subjected to this violence, in consequence of a promise made by the Commons to the King, of a fifth of their moveables, provided he would banish the Jews from the island.† When the Jews became acquainted with the reason of their detention, they caused an intimation to be conveyed to the king, that they would pay a larger sum than the amount of the fifth promised by the Commons, if they might be released from their imprisonment, and allowed to remain in England.‡ This offer had the desired effect, and they were again restored to liberty, upon payment of the above-mentioned sum. Whether this statement of the circumstances under which the Jews were imprisoned be correct or not, it seems certain that, from about this time, the clamour against them became daily more violent. It is not improbable that the edict, by which the exactions practised upon the Jews by the people were prevented, had rendered them, with many, still greater objects of hatred. It appears, however, that the clergy and gentry joined with the nation in general in desiring

* Stow, Chron. 203, 204. Survey, 289. A curious piece of evidence of this imprisonment is given by Mr. Selden. (*De Jure Nat. lib. 2. c. 6. p. 215. Edit. Wilk.*) In an old vault at Winchester there was, some years ago, discovered an Hebrew inscription cut in the wall, which, when translated, was as follows: "*All the Jews of this nation were imprisoned in the year 5047. I. Asher wrote this.*"

† Holinshed, vol. iii. p. 283.

‡ *Ib.*

the expulsion of the Jews ; and it is to be inferred, that they were induced to entertain this wish, in a great measure from a belief in the accusations, which were still loudly repeated, against the Jews, not only of their being continually guilty of clipping and depreciating the coin of the country, but also of being the cause of much hardship through their usurious dealings. But though this may have been in truth the principal, as it was in fact, the only avowed reason, for desiring, that the Jews should be driven out of England, yet there can be little doubt that the evils which have been, on a former page of this history, pointed out as resulting to the nation in general from the power the king continually exercised over the property, persons, and rights of the Jews, had some effect in encreasing the wish to be relieved from the presence of that people.*

Edward, who had been of late residing in France, shortly prior to his return in the year 1290, in compliance with the desire of his subjects in Gascony (who it appears, at this time, participated with the English in their hatred to the Jews), had published a proclamation banishing all Jews from his dominions on the Continent.† This measure served greatly to raise his popularity ; and upon his entry into London, he was received with every mark of joy and goodwill by the clergy and people. Before this feeling could subside, he was induced to consent to the

* It is quaintly remarked by the writer of an old pamphlet, entitled *Anglo-Judæus*, that the kings of England used the Jews as a sponge, by which they sucked up the wealth of their subjects, and then squeezed it out for their own use.

† *Ann. Waver.* 242.

decree for the final banishment of the Jews from England.* In return for this favour he received from the Commons the grant of a fifteenth part of their goods; and the clergy at the same time made a gift to him of a tenth part of their moveables.† The above-mentioned decree commanded that the Jews, together with their wives and children, should depart from the realm within a certain time, namely, before the feast of All Saints. As a matter of grace on the part of the king, they were permitted to take with them a part of their moveables, and sufficient money to defray the expenses of their journey, their houses and other possessions were seized by the king, and appropriated to his own use.‡ Notwithstanding the harshness and severity of this decree, it seems not to have been sufficient to excite any commiseration, on the part of the people. Many were still unwilling to allow the Jews to depart in quiet; but sought to take the last opportunity, which remained to them, to give vent to their unchristian hatred and enmity, against these unfortunate people, and to

* Item Judæorum exasperans multitudo, quæ per diversas urbes et castra regionis Anglicanæ, per retroacta tempora habita confidenter, procurante Domina Alienora matre dicti Regis Angliæ, jussa est per edictum regium, cum bonis suis mobilibus unà cum uxoribus et parvulis, sub pœna forisfacturæ omnium bonorum quæ in regno haberent, ab Anglia recedere *æternaliter*; circa Festum Omnium Sanctorum nunquam ad dictam terram iterum reversuri. An. Waver. ad ann. The Annals of Waverly, which would appear to have been the work of several succeeding hands, end the year after the expulsion of the Jews; and as the account given above was probably written at the time, it may be considered as evidence that the banishment was intended to be perpetual.

† Trivet, 257. Walt. Hem. p. 21. See Parliamentary Writs, 1. The collection lately published by the authority of Parliament. Vol. i. p. 15.

‡ See following Treatise, post.

despoil them of the small portion of their wealth which remained to them. The principal Jews were forced to provide themselves with letters of safe conduct from the king; and it became necessary for their protection to issue orders to the officers and magistrates of the towns through which they passed, to guard them against the violence of the populace.* One instance of the barbarities to which they were subjected deserves to be particularly noticed, as it affords a just example of the sentiments entertained by the people towards the Jews;—it is thus related by Holinshed: “A sort of the richest of them” he says “being shipped with their treasure in a mighty tall ship which they had hired, when the same was under sail, and got down the Thames, towards the mouth of the river, towards Queenborough; the master mariner bethought him of a wile, and caused his men to cast anchor, and so rode at the same, till the ship, by ebbing of the stream, remained on the dry sand. The master herewith enticed the Jews to walk out with him on land, for recreation; and at length, when he understood the tide to be coming in, he got him back to the ship, whither he was drawn by a cord. The Jews made not so much haste as he did, because they were not aware of the danger; but when they perceived how the matter stood, they cried to him for help, howbeit he told them that they ought to cry rather unto Moses, by whose conduct their fathers passed through the Red Sea; and therefore,

* Wike's Chron. p. 122.

† P. 289.

if they would call to him for help, he was able enough to help them out of these raging floods, which now came in upon them. They cried indeed, but no succour appeared, and so they were swallowed up in the water. The master returned with the ship, and told the king how he had used the matter, and had both thanks and rewards as some have written. But others affirm (and more truly as should seem) that divers of the mariners, which dealt so wickedly against the Jews, were hanged for their wicked practice; and so received a just reward of their fraudulent and mischievous dealing." *

* Wike's Chron. ad ann. 1290. Some Jewish historians (Solomon Ben Wirga, Ghedaliah) have fixed the time of the banishment, from England, at an earlier period than that which is mentioned in the text. According to them, the event took place A. M. 5020, or A. D. 1260. The facts which have been stated in the preceding pages shew this date to be erroneous. Selden (*De Jure Gent.* lib. 2. c. 6. p. 190.) states that the error must have arisen from the Hebrew letters having been wrongly written; and that the date ought to stand 5050, instead of 5020. It is further to be mentioned, that the annals of the Dominicans of Colmar affirm that the event happened about the year 1291. All our historians fix the time about the same period. Vide Magd. Cent. Pol. Virg. lib. xvii. Gilb. Genebrard. lib. iv. p. 652. Fabian, part vii. p. 133. Fox, Acts and Mon. Lond. 1650. lib. i. p. 443. Nich. Triv. lib. vi. Hollinshed. lib. ii. p. 285. Ann. Waver. 242. Stubb's Act. Pont. Ebor.

A variety of accounts have been given, by Jewish writers, of the causes which led to the banishment of their nation from England. Two of these accounts shall be mentioned. By one it is stated, that they were falsely accused of counterfeiting the coin, by the persons who were themselves in fact guilty of the offence. That the measures which were taken against them were of so violent a nature, that the king, to save them from more cruel punishment, forced them to leave the kingdom. (Solom. Ben. Wirg. p. 140. Shalsheth, fo. 113.)—Another account is, that a Catholic priest, having fallen in love with a beautiful Jewess, and not being able to compass his desires by other means, abjured Christianity, and suffered himself to be circumcised; that this circumstance being made public, the Christians insisted that all the Jews in London should be burnt alive. But the king,

By the time appointed, the whole of the Jews had left England; their numbers have been estimated by some at 15,060, by others at 16,511.—The records of the following years of this reign contain many grants of their houses and possessions by the king; and it has been stated that the convents and monasteries were enriched by appropriating to themselves many valuable libraries of which they were possessed,* and that the learned Roger Bacon derived considerable assistance from their Hebrew books which came into his hands.†

Thus was this unfortunate race, after nearly two centuries of almost continual persecution, driven from the country and robbed of their possessions. In the circumstances that attended this last act of violence, we see displayed a continuance of the same oppression and cruelty, which the treatment they had experienced, both from the monarch and the people, had ever evinced. If, as was pretended, their banishment was sought as a relief from the grievances which their usurious dealings inflicted upon the nation, we cannot find, in this circumstance of necessity for their expulsion, any justification for the rapacity that caused their estates to be confiscated to the crown—or, for the malice

willing to spare the Jews that were innocent, permitted those only to be executed who had been concerned in the matter, and sent the rest from the country. Ghedalia Mod. Univers. Hist.

* Peck's *Annals of Stamford*.

† Tovey's *Angl. Jud.* 245. Wood's *Antiq. Oxon*, 132.

that dictated the cruelties to which, on the occasion, they were exposed from the populace. The sums which were advanced to the king by the Commons and by the clergy, as the price of their expulsion, may induce a belief, that the evils, experienced from their residence, were greatly the result of the power which the crown possessed over their property and persons. And the desire that the nation seems to have entertained for their removal may, perhaps without much error, be traced principally to this source. In throwing back a glance over the facts that are stated in the few pages of the preceding narrative, it must be acknowledged that a spirit of relentless cruelty pervades the whole; and we cannot but feel that the exactions and barbarities, which are there recorded, mark an indelible stain upon this period of our history. They are blots in the characters of the successive monarchs, and are painfully indicative of the cupidity, ferocity, and ignorance of the people. On the other hand, we must admit that the conduct of the Jews themselves, under their continued suffering and oppressions, whilst it furnishes a fresh example of the characteristic perseverance with which they brave all dangers and difficulties, in pursuit of riches, affords, at the same time, a further proof of the resignation, fortitude and self-devotion, for which their nation has been ever distinguished.

FROM THE BANISHMENT OF THE JEWS IN THE
YEAR 1290 TO THE PRESENT TIME.

More than 350 years elapsed, without the Jews making any attempt to re-establish themselves in this country. The tyranny and oppression to which their ancestors had been subjected, by the former kings of England, was, no doubt, kept alive in their remembrance, and prevented them from making any efforts to return. The progress of civilization would probably have shielded them from a recurrence of the cruelties which their forefathers had experienced; but they had no sufficient security against a revival of the power, which preceding monarchs had claimed to have over their property and possessions. When, however, the royal authority had ceased to exist, the great object of their apprehensions was removed; and they hoped, under the government which was established in its place, to meet with security and protection. In an address which they published during the commonwealth, they say “Our people did, in their own minds, presage that, the kingly government being changed into that of a commonwealth, the ancient hatred towards them would be changed into good-will; and that the rigorous laws made, under the kings, against so innocent a people, would be happily repealed.”*

The earliest measures towards a re-admission, which seem to have been taken by the Jews, followed

* See the Address of Rabbi Menasseh Ben Israël to Oliver Cromwell.

almost immediately upon the death of King Charles the First. Overtures were made to the parliament and council of war, through the medium of two of the popular adherents of the parliamentary faction.* If the nature of the negociation which took place upon the subject be truly stated, the circumstances attending it are curiously illustrative of the correct estimation entertained by foreigners of the venality of the existing government, and of the total subversion of respect which had taken place for the ancient institutions of the country. The Jews asked that all the laws which were in force against them might be repealed; and offered to pay, in return, the sum of 500,000*l.*, provided, at the same time, they had made over to them the Bodleian library at Oxford, and were allowed to take possession of the cathedral of St. Paul's for a synagogue. The proposal was entertained; and it would appear that several debates took place on the subject.† The parliament, however, required that the Jews should pay 800,000*l.* for what they demanded, instead of 500,000*l.*—The Jews refused to increase the sum; and the negociation was, in consequence, eventually broken off.‡

The next attempt seems to have been made, after Cromwell was elevated to the rank of protector. The French ambassador in Holland, in a letter written in the year 1654 to the minister of France in England, says, “ A Jew of Amsterdam hath in-

* Monteth's Hist. of Gt. Brit. p. 473.

† See an intercepted letter in the Thurloe State Papers, of the 29th July 1653. Thurl. State Papers, vol. iii. p. 357.

‡ Monteth's Hist. of Gt. Brit. p. 473.

formed me for certain, that the three generals of the fleet have presented a petition to his highness the protector, to obtain that their nation may be received in England to draw the commerce thither.* The result of this application was, that permission was given to Rabbi Menasseh Ben Israel, who had been chosen on the part of the Jews as their negotiator, to come over from Holland and take up his residence in London. Soon after his arrival, he presented a petition to Cromwell, praying that the Jews might be allowed the free exercise of their religion, and be permitted to erect synagogues for the purposes of public worship; and he, at the same time, published a declaration to the commonwealth of England, in which he exhibited the great profit which would result to the country from the return of his nation.† In consequence of this petition, a council was summoned to take the matter into consideration. The mode in which the subject was here discussed, is stated in a letter from Secretary Thurloe to H. Cromwell.‡ “We have had,” he writes, “very many disputations concerning the admittance of the Jews to dwell in this commonwealth, they having made an earnest desire to his highness to be admitted; whereupon he hath been pleased to advise with some of his judges, merchants, and divines. The point of conscience hath been only controverted

* Thurl. St. Pap. vol. ii. 652.

† An original copy of this declaration is in the possession of the author, by “Rabbi Menasseh Ben Israel, a Divine and Doctor in Physic, in the Strand, over against the New Exchange, in London.”

‡ Thurloe State Pap. vol. i. p. 321. date 17th Dec. 1653.

yet, namely, Whether it be lawful to admit the Jews now out of England to return into it. The divines do very much differ in their judgments about it, some being for their admittance on fitting cautions; others are, in express terms, against it, upon any terms whatsoever. The like differences I find in the council, and so amongst all Christians abroad. The matter is debated with great candour and ingenuity, and without any heat. What the issue thereof will be, I am not able to tell you, but am apt to think, that nothing will be done therein." Whatever may have been the result of these deliberations, it does not appear that they led to any definite step. And no public measure was taken to authorize the return of the Jews. Amongst the people, the feeling seems to have been most commonly opposed to their re-admission.*

One of the most vehement opponents of the measure was the notorious Prynne, who, in two learned publications,† collected a variety of records, to shew the situation of the Jews prior to their banishment, and entered into lengthened arguments to prove the danger and impropriety of their re-establishment. This general feeling of hostility was probably increased by the discovery of the intentions of another party of Jews, who appear to have arrived in England about the same period. The achievements of Cromwell and his renown had, it seems, become known to the

* See Preface to Prynne's First Demurrer.

† The First and Second Demurrer, to which works the author has been indebted for a very considerable portion of the ancient records, by which the facts stated in this history, and the following treatise, are verified.

Jews who resided in the western parts of Asia; and they were induced to conceive the hope of being able to derive advantages from his elevation. A deputation was sent over by them, at the head of which was one of their most learned rabbis. The ostensible design of their mission was the establishment of a company, to trade to the Levant; but, at a private audience with Cromwell, they negotiated the purchase of the valuable library of the University of Cambridge, and probably disclosed to him the main object of their visit. This object, as it afterwards turned out, was to inquire into the pedigree of the Usurper, in hopes that they might be able to trace him to a Jewish origin, and prove him to be the promised Messiah. They obtained permission to repair to Cambridge, and, in the presence of the Librarian, examined and took a catalogue of the most valuable books. Afterwards they established themselves for a time at Huntingdon, the birth-place of Cromwell, and entered upon the examination of his descent. Their investigation was, however, not conducted with the necessary caution, and the purpose of their inquiries became public. The account quickly spread to London. Cromwell was suspected of being privy to their designs, and was exposed to railleury. The Jews were commanded to return to the metropolis; and at a meeting of the council, to which they were summoned, were warmly upbraided and ordered to depart the country.*

As the circumstances above related are all that is

* Histoire d'Oliver Cromwel par Raguenet, p. 290.

known of the proceedings that took place with respect to the Jews under the Commonwealth, there seems no sure foundation for the assertion which is frequently made, that Cromwell first permitted the re-establishment of the Jews in England.

After the Restoration, however, they seem to have begun, by degrees, to take up their residence in this country; and in the latter end of the year 1660, an order of the Lords of the Council was presented to the House of Commons, recommending to the house to take into their consideration, measures for the protection of the Jews.* And as early as the year 1662, they had a synagogue in London. Still, their numbers were not yet very considerable, as Dr. Chamberlain, who wrote in this reign, states they did not in his time, exceed thirty or forty families, at most.† However, in the year 1670, they were considered to be of sufficient importance to induce the House of Commons, upon the appointment of a committee to bring in a bill to prevent the growth of popery, to direct that the committee should at the same time inquire into the number of the Jews and their synagogues, and upon what terms they were permitted to have residence here.‡ The report of this committee is not published. Under James the Second, the Jews were relieved from payment of the alien duty. In the reign of King William, upon the petition of the merchants of London, they were again subjected

* Journals of House of Commons, 17th Dec. 1660.

† *Anglia Notitia*.

‡ Journals of House of Commons, 6th Feb. 1670.

to this impost. Their numbers at this time (1689) must have become considerable; as the amount of loss to which the government was subjected, by not levying the export alien duty on their goods, was estimated at the sum of 10,000*l.* a year.

In the first year of Queen Anne, the Jews became the subject of an exclusive act of the legislature, for the purpose of securing provision for such of their children as became converts to the Christian faith. By statute 1 Ann. c. 30., it was enacted, that “if the child of any Jewish parent is converted to the Christian religion, or is desirous of embracing it, upon application to the Lord Chancellor, he may compel any such parent to give his child a sufficient maintenance in proportion to his circumstances.”

In the year 1753, a bill was introduced into parliament, to enable foreigners who were Jews to be naturalized, without being obliged to take the sacrament. The bill passed the House of Lords without opposition; but the popular feeling was, from the first, averse to the measure. Petitions against the act were presented from the city of London and other parts, and a very warm discussion took place in the Commons, upon the subject. The bill, however, was, in the end, allowed to pass, and received the royal assent. Still, in the country, the hostility to the measure continued to gather strength. The ancient animosity against the Jews seemed again revived; and though the act was applicable to foreigners alone, those Jews who were natives of the country shared in the general ill-will of the people. The ministry, at whose instigation the bill was introduced, were loaded with reproaches, and remonstrances poured in from

all parts of the country. The discontent which prevailed was further heightened by the machinations of a party who hoped to derive advantage, in the contests of an approaching general election; from the hatred infused by the measure into the minds of the people against the government. The ministry felt themselves unable to stand up against the popular feeling, which their support of the act had raised against them; and on the first day of the ensuing session they yielded to the clamour of the nation, and introduced a bill for the repeal of the obnoxious ordinance. Emboldened by the success of their opposition, the party who were most hostile to the Jews attempted to carry still further their resentment. An act had been passed in the 13th year of the king, whereby persons professing the Jewish religion, who had resided seven years in any of His Majesty's American Colonies, were enabled to be naturalized without receiving the sacrament. An address was moved in the House of Commons to his Majesty, requesting he would give directions for laying before the house a list of the names of all such persons professing the Jewish religion, who had since the 1st of June 1740, entitled themselves to the benefit of the last act. The papers were accordingly laid before the house; but it appeared that very few persons had availed themselves of the provisions of the statute. Notwithstanding, Lord Harley moved for leave to bring in a bill to repeal this act. The motion occasioned a warm debate, but was rejected.*

* See Parliamentary Register.

From the time of the discussion upon the naturalization act, to the present moment, the history of the English Jews is not distinguishable from that of the other natives of the island. No measures have been taken, of which they were particularly the objects; and they have been permitted to live here without molestation or hindrance. The animosities which the act of 1753 engendered or revived, were probably, for a time remembered, and might have the effect of impeding the progress which the Jews would otherwise have made, in overcoming the prejudices of the people against them. Happily for them, however, and for the credit of the age, those prejudices, are now nearly worn away; and the Jew of the present day is allowed, without being regarded with either antipathy or disrespect, to take the station in society to which from his wealth or his acquirements he is entitled. Their numbers are reckoned, in London at about 18,000, and in the rest of England about 9,000,* they have several synagogues in the metropolis, and others in different towns in the kingdom.† They are masters of very consider-

* See the table given at the end of Mr. Goldsmid's Pamphlet. From inquiries which the author has made, he should have thought that the Jews in England, exclusively of those in London, were nearly double the number stated in the text. As, however, Mr. Goldsmid's means of information on this head must be far superior to any professed by the author, he has adopted the lesser number. The same inquiry which would have induced the author to place the Jews in the rest of England, besides London, at between 17,000 and 18,000, would have led him to rate the number in London at about 20,000.

† The principal congregations of Jews are at Canterbury, Rochester, Hull, Liverpool, Bristol, Norwich, Yarmouth, Plymouth, and Portsmouth. The two principal sects of Jews are the German and the Portuguese.

able wealth, employed, for the most part, in objects of commerce ; but it is said that many of them have also acquired extensive landed possessions.* They still labor under some disabilities, the nature of which it is the intention of the following treatise to point out. The experience of more than a century, since their re-establishment, has shewn nothing in their conduct, or habits which proves them unworthy to stand on an equality with their Christian brethren, and the time would seem to have arrived when the greater part, at least, of their disabilities will be removed,† and when the Jew will have as full an interest, as the rest of the nation, in supporting, by his talents and his fortune, the prosperity and well-being of the country.

* The question of their power, legally to hold land, is discussed in the subsequent treatise.

† Petitions have been, since the meeting of Parliament, presented to both Houses of the legislature, for the removal of these disabilities ; and a bill will, in a short time, be brought in, with the view of carrying their object into effect.

AN ENQUIRY
INTO
THE CIVIL DISABILITIES
OF THE
JEWS IN ENGLAND.

IN the following treatise it is proposed to consider —first, the state of the law generally, with respect to the Jews, and then to enquire, more particularly, into the laws respecting their rights with regard to land, and real property. In each branch of this enquiry, the reader's attention will be directed to the state of the law, prior to the banishment of the Jews, in the reign of the Edward the First, and also to the extent of their disabilities, at the present time.

The facts which are recorded in the foregoing history, and the account which is there given of the arbitrary power continually exercised by the king over the Jews, shows, clearly, that they were considered and treated as the mere bondsmen or

villeins of the crown. That such was their condition is also evident, from the language of many records which are preserved to us, and which extend from the earliest known period of their residence here, down to the time when they were banished from the country. The laws of Edward the Confessor declared that “the Jews, and all they possess belong to the king.”* The statute 3 Edward I., of which more particular notice will be taken hereafter, declares that “The Jews shall not be in tallage with the other inhabitants of the cities where they reside, seeing that they are talliable to the king as his *own bondsmen*, and not otherwise.”†

* See ante p. 3. n. † The authority of this clause of the ordinances of Edward the Confessor has been called in question by Prynne, (see 2 Dem. p. 7.) on the ground that it is not to be found in the copy of the Confessor’s laws, given by Ingulphus, in his History of Croyland Abbey. The clause has, however, received the high sanction of Sir H. Spelman, who also states that the laws of the Confessor, as published in Hoveden, agree with an ancient manuscript copy of those ordinances, in his possession. (Spelm. Concil. vol. i. p. 275. and see Lambarde Leg. Sax. p. 183. Wilkin’s Concil. vol. i. p. 313.) It is not, perhaps, very material for the present purpose, whether the ordinance in question was in fact promulgated by Edward the Confessor, or not; for the account given by Hoveden; must, at all events, be regarded as an authentic statement of what was regarded to be the ancient laws of the country, at the time when Hoveden lived; that is to say, during the reign of Hen. II. and Rich. I.

† See Appendix C. In Prynne’s Dem. p. 64, is the copy of a patent of Henry III., confirming the enfranchisement of a Jew by Prince Edward, to whom the Jew had been previously granted.

Madox, in his History of the Exchequer, says, “In sum, the king seemed to be absolute lord of their estates and effects, and of the persons of them, their wives and children. It is true, he let them enjoy their trade and acquets. But they seemed to trade and acquire for his profit, as well as their own. For at one time or other their fortunes, or great part of them, came into his coffers.” p. 150.

The natural consequence of the Jews being considered as standing in this relation to the crown, was to give the king, their lord, complete power over their persons and property; and this power was frequently exercised in an entirely arbitrary manner. Tallages to an exorbitant and ruinous extent were continually imposed, at the mere will of the king, and payment enforced by imprisonment,* by seizing their wives and children, and by confiscation of their whole property and effects.† Orders regulating their conduct, and restraining their intercourse with the rest of the nation, were, from time to time, issued upon the sole authority of the crown, and obedience enforced by the most severe and cruel penalties.‡ The king at his pleasure released their debtors from the payment of the whole, or parts of the sums in which they were bound, and commanded the securities to be cancelled.§ On many occasions, individuals amongst them were granted to other persons, || and sometimes their whole community was made

* See foregoing history, particularly p. 38.

† Claus. 25 Hen. III. m. 5. Dem. 39. Claus. 36 Hen. III. m. 26. Mandatum est Vic. Ebor. quòd distingat Aaron de Ebor. Judeum et omnes alios Judeos Ebor. per terras, et tenementa, catalla, uxores et filios, et omnibus aliis modis quibus melius poterit ad reddend. reg. tallagium, tum, &c.

‡ See the preceding history.

§ See post, p. 83 n.† See Pat. 46 Hen. III. m. 14. Dem. 51. Fines, 49 Hen. III. m. 1. Dem. 55 b. Claus. 50 Hen. III. And the king would sometimes grant to other persons the debts which were due to the Jews. Claus. 3 Edw. I. m. 13. Claus. 4 Edw. I. m. 7.

|| Thus Edward granted Cok, the Jew of London, with all his chattels, to Eleanor his queen. Mad. Exchequer, 157. And the same king granted Aaron, the Jew, to his brother, ib.

over by way of mortgage or security, for sums borrowed by the crown.*

Besides these instances of purely arbitrary exertion of the power of the crown over the persons and property of the Jews, there were certain cases in which that power was continually and systematically enforced. Thus, upon the death of a Jew, the king asserted his right to the whole of the property and effects of which the deceased was possessed†; if he left a wife or children, they were permitted to succeed to the estate, only upon payment of heavy and arbitrary fines.‡ Upon the conversion of a Jew to Christianity, the king, up to the reign of Edward the First, seized all his estate, and applied it to his own use. Edward the First granted that from thenceforth only half of the estate should in such cases be taken.§ Certain towns were appointed for the re-

* Thus Henry III. assigned over to Richard, his brother, all the Jews in England, to secure payment of a debt of 5000 marks, with full power to distrain them, by their goods and bodies; and bound himself until the same was paid, not to release any of the debts of the Jews, or allow any extents to issue for them. Pat. Rot. 39 Hen. III. m. 13. 1 Fœdera, Parliamentary Edit. p. 215. And see post.

† App. E. And see Pat. 5 Hen. III. m. 6. 8. 10. &c. Dem. 56. In the *Abbrevatio Rotulorum Originalium*, lately published by authority of Parliament, p. 30, is the following abridgement of a writ in 6 Edw. I.: "Vic. Glouster de bonis et catallis David de Carleton—eo quòd bona Judæorum ad regem pertinent post mortem eorum," &c.

‡ See Appendix F. And see Prynne's Dem. 36. Pat. 30 Hen. III. m. 7. The king received a fine of 3,000*l.* of Masse, son of Hammon, the Jew, pro habendis catallis et bonis of his deceased father.

§ See Rot. Pat. 8 Edw. I. And see Rot. Plac. 9 Edw. I. m. 7. The custom of seizing the property of a Jew, upon his conversion, seems to have prevailed in many parts of Europe. The reason usually given for the

sidence of the Jews ; and they were not permitted to dwell in any other places. These towns were fixed upon by the king, and varied at his pleasure.*

With the view of facilitating the exercise of the king's authority over their estates and effects, Richard the first, after his return from captivity, issued certain provisions for the registration of the property of the Jews.† These ordinances directed that all the debts, pawns, mortgages, lands, houses, rents, and possessions of the Jews, should be registered upon oath. Certain places were appointed where all contracts made by them were to be executed in the presence of particular officers. In all cases of advances of money made by them on mortgage or otherwise, indentures of two parts were to be executed, the one part to be held by the borrower, the other to be deposited in chests provided for the purpose ; and every Jew was commanded secretly to reveal to the king's justices any concealment by another Jew, with which he was acquainted. These ordinances continued to be rigorously enforced during the residence of the Jews in England. Shortly after they were promulgated, a particular

practice is, that the sincerity of the conversion might be thereby clearly shewn. The more probable cause would seem, however, to have been this : that as the Jew, upon becoming Christian, was rendered capable of holding, free from any power of the crown, unless the king immediately asserted the right which had already attached upon the property which the person when a Jew possessed, he might lose his right to it in the hand of a true convert.

* See post. And see Claus. 53 Hen. III. pars i. m. 8. Prynne, 63. Claus. 1 Edw. I. m. 83.

† Appendix (B).

court was also constituted for the pupose of carrying into execution the claims and demands of the crown over the estate and effects of the Jews, and for directing and controlling the revenue derived from this source ; this court was called the Court of Exchequer of the Jews.

THE COURT OF EXCHEQUER OF THE JEWS.

This was considered a branch of the principal exchequer, but had its particular judges, who were called the justices of the Jews. There were also other officers attached to it, namely, the chirographers and the cofferers, who were entrusted with the custody of the chests directed to be kept by the ordinances of King Richard, and also with the chirographs and charters of the Jews. These latter officers were stationed in all the towns where the Jews were permitted to reside.* The acts and proceedings of the justices and officers of this court were subject to the control and authority of the justiciar, and treasurer, and barons of the exchequer, as superior directors or governors of the king's revenue.† After the establishment of this court of exchequer, the power of the crown over the Jews and their property, was almost

* Mad. Hist. of Excheq.

† Thus, in the reign of Edward I., the treasurer and barons of the principal Exchequer went and sat in the Exchequer of the Jews; and finding that two of the justices of this latter court had been guilty of malpractices, turned them out of their offices, and committed them to prison. Mad. Hist. Excheq.

entirely enforced through its medium. When a tallage was imposed, directions were issued to the justices of the Jews to see that it was levied. When any fresh regulation was made respecting the Jews, the king issued his writ to the justices of the Jews, commanding that they should see them enforced.* If any Jews were found to have taken up their abode in other parts than those fixed upon by the king, writs were directed to the justices, to compel those who had wandered from the appointed cities to return.† When the debt due to a Jew was released by the crown, the same officers were commanded by precept to acquit the debtor, and to deliver up to him all the charters and chirographs remaining in the chests, by which he was bound.‡ Where the king granted any individual Jew to another person, intimation was given to the court of exchequer; and the

* Post, p. 94.

† Claus. 26 Hen. III. p. i. m. 19. De Judæis removend. ab uno loco ad alium. Denun. 30. In Claus. Rol. 11 Edw. I. a writ "De Judæis à vella Windes amovendii," recites, "Quia secundum consuetudinem Judæismi nostri, Judæi nostri in alis civitatibus burgis, aut villis habitare vel morari, non debent quam in illis in quibus archa chirographum Judæorum existit, et in quibus antiquitus habitare consueverunt morari;" and then commands the Jews who had come to reside there to be removed. Rym. Fæd. 634. So Hen. III., in the 28th year of his reign, commanded the Jews from certain towns to be removed to Winton. "Mandatum est Vic. Berks. quod Judæos qui manent in villa Nubury et in villa de Spenhamland remittat, sine delatione, usque Winton, et ibi maneant sicut prius solent, nec de cætero maneant in villis prædictis. Claus. 36 Hen. III. m. 6. Dem. 40, b.

‡ King John released William, Earl of Arundel, from all the debts which he owed to the Jews; and, by his writs, commanded the justices of the Jews to acquit him thereof, and deliver up to him all the charters and chirographs which were in the chests. Mad. Hist. Excheq. See Fin. Rolls, 17 John, p. 1. Dem. p. 16. Fine, 16 Hen. III. m. 7. Ib. p. 18. Claus. 27 Hen. III. m. 10. Dem. 33. Claus. 56 Hen. III. m. 1. Dem. 67. And see Ap. (F).

Jew, who was the subject of the grant, was exempted from the authority of the justices and collectors of the court, in respect of any tallages which might be afterwards imposed upon his community. In cases where the king made over the whole body of the Jews to other persons, the authority of the court of exchequer was, during the continuance of the grant, exercised in favor of the grantee, in the same manner as it would have been for the king himself; and the person to whom such grant was made was, it seems, *considered to have* the power of imposing fines and tallages, and of enforcing the collection through the medium of this court.*

This court, which was originally constituted for the purpose of enforcing the rights of the crown, soon, it appears, began to exercise exclusive jurisdiction in all cases where the property of the Jews, or their contracts, came into question. As the Jews were considered to hold whatever they possessed at the mere will of the crown, many rules and customs were allowed to prevail, with regard to them, and their property and rights, which were of a peculiar nature, and different from the general law of the land. These were, for the most part, in conformity with the general customs of the Jews; and in such cases, if a doubt arose upon the custom, it was referred to a chapter of Jews.† In some cases, how-

* Henry III., in the 46th year of his reign, granted all the Jews to his son Edward, with the use of the seals of his Exchequer, for the purpose of sealing writs, &c. and also a prison for the confinement of the Jews. See Appendix (G).

† Moses Judas, a Jew of Bristol, paid a fine of two ounces of gold that it might be referred to a chapter of Jews to certify whether a Jew might

ever, the mode of proceeding was regulated by special charters, granted by the king. The most remarkable of these were granted by King John, who, in the 2nd year of his reign, ordained, that in all cases which arose between Christians and Jews, the plaintiff should support his plaint by the testimony of two witnesses, namely, a Jew and a Christian; that if a Jew obtained a writ concerning his plaint, his writ should be his witness; and if a Christian had a plaint against a Jew, it should be judged by a jury of Jews; that if a Jew be summoned without witnesses, he should be discharged his summons on his own oath, taken upon his book; and if summoned in respect of any things which appertained to the crown, he should in like manner be discharged, on his oath taken on his roll; and if any dispute arose between a Christian and a Jew, concerning the loan of any money, the Jew should prove the principal, and the Christian the interest.*

The contracts of the Jews were, as has been already mentioned, regulated in the Court of Exchequer. These contracts were sometimes called *Charta* and *chirographa*, like the charters of other people, but generally, they were called *starra*, or stars.† These

take usury of a Jew, (Mag. Rot. 4 Ric. I. Rot. 6. Mad. Excheq.): and Aaron, the Jew of Lincoln, paid twenty marks for an inquiry whether Ursell, a Jew of the same place, was a forger in such sort as it was usual to convict a Jew of forgery. (Mag. Rot. 5 John, Rot. 9. Lincoln. Madox.)

* See Appendix (B).

† Mr. Selden says, that "in ancient time, when a contract was made, two deeds were written, one containing the contract at full, with all covenants and conditions, which was folded up and sealed with the buyer's

stars were written, for the most part, in Hebrew alone, or else in Hebrew on the one side, or on the top of the parchment, and in Latin on the other side, or on the bottom of the deed after the Hebrew.— Sometimes they were written in French, and some had a Latin superscription.

The part of the contract which, according to the ordinances of Richard, was to be laid up in the public chest, was called the *Pes Chirographi*; if any Christian became indebted to a Jew, by star or writing put up and reserved in the chest in manner before mentioned, and paid not his money at the day appointed with the interest thereon, the Jew sued forth letters, by way of process, against the debtor, both for the debt and interest, under the notary's or register's hand, to appear before the justices in the exchequer of the Jews, to answer for the same. A Jew, however, could not obtain such letters of process, until he had paid a fine to the king of one be-

seal; the other containing a general recital of what thing only the contract was, and this last was shewn open to witnesses, who inscribed their names on the back of both, that so the witnesses or standers-by might not know the sum, time of redemption, or such like, yet be able to justify the instrument, comprehending them by the inscription of their names. The seal they called *chethour*, and the deed or instrument written *sephar*, which is a book also: but the Rabbins express their deeds, releases, and obligations, the like by the name of *shetar* or *setar*, whence the word *sterim* or *starr* is used for acquittance or written testimonies of contract." Seld. Tit. of Honour, 4to. 1614. p. 328. Mr. Justice Blackstone, Comment. vol. iv. p. 266, has given it as his opinion that the court of Star-Chamber took its name from the circumstance of its holding its sittings, after the expulsion of the Jews, in the chamber which had formerly been appropriated to the depository of the chests in which the contracts of the Jews were kept.

santine for every pound. If it happened that any Christian denied a deed entered into with a Jew, the matter was tried by the testimony of two Jews and two Christians. If a charter made to a Jew were lost, or could not be found in the chest, it was usual for the Jew to whom it was made, when he had received the money due upon it, to come and make an acknowledgment in the Exchequer, by way of release to the parties. Where a contract was made from a Christian to a Jew by a chirograph, if the counterpart or *pes chirographi* of such charter, was not found in the chest of the king's chirographer the Jew was to lose the debt on such contract. So if a Jew made a star or release secretly, it was held to be invalid.* The stars of the Jews, were in the nature of judgments upon which extents were sued forth, and the land of the debtor was seized, although after the debt was contracted it had passed into other hands.† The statute of Merton, provided that the usury on the debt of the Jew should not run

* See *Mad. Hist. of Excheq.*

† *Fin. 9 John, m. 5.* Mandatum est Baronibus de Scacario quòd omnes terras quas Jollarius de Amundevil habuit tempore quo ipse mutuo accepit debita de Aaron Judæo capiantur in manum Dom. Reg., quicunque illas teneat pro 200 et 72 libris quas ipse Domino Regi debuit de debito Aaron; et similiter districtionem faciatis de omnibus aliis quæ Dom. Regi tenentur de debeto Aaron. See also *Pat. 3 Hen. III. m. 6.* *Claus. 32 Hen. III. m. 11.* *Claus. 22 Hen. III. pars 1. m. 17.* *Claus. 22 Hen. III. pars 2, m. 9.* *Fines, 23 Hen. III. m. 3.* *Claus. 24 Hen. III. m. 1.* *Prynne Dem. 14. 22. 28. 37.* *Mad. Hist. Excheq.* The circumstance of the lands of the Jew's debtor being considered as liable to extent for the sum due is another strong proof that the Jews were considered as the bondsmen or villeins of the crown, inasmuch as it can only be upon the ground that whatever was theirs belonged to the king; and that therefore their debtors were, in fact, the king's debtors, that we can account for the custom.

against the heir until his full age. The statute de Judaismo enacted, that no Jew should thenceforth in any manner practise usury; that no Jew's debt be so grievous, as not to leave Christians the moiety of their lands and chattels for subsistence.

The reader's attention has now been called to nearly every thing that is extant, which can throw light upon the general laws and customs which formerly prevailed in this country with respect to the Jews. From the contracted means of information which are open to us, the account which has been given is unavoidably very imperfect; there seem, however, to be sufficient data to enable us to come with a reasonable confidence, to this conclusion:—namely, that the whole property of the Jews was held by them at the will and mercy of the crown, but that this disability was not founded upon any direct law or ordinance, but arose wholly out of the circumstance of their being considered in those days as the bondsmen or villeins of the king.

We will now proceed to the second branch of the enquiry, namely, What were the disabilities under which the Jews stood with regard to land and real property?

THE DISABILITIES OF THE JEWS WITH REGARD
TO LAND AND REAL PROPERTY.

In order to come to a correct conclusion upon this subject, it will be necessary to enquire what the state of the law was prior to the banishment of the

Jews, both independently of any statutory enactments* ; and also in consequence of any express laws which may have been made upon the subject.

It has been shewn, in the former part of this Treatise, that the Jews were considered as standing in the situation of bondsmen or villeins of the king.—The state of the law with respect to their real property, prior to any statutory provisions, as with respect to their personal estates, seems to have been the natural result of the existence of this relation ; as the villeins of the king, they would not be under any disability as to their power of purchasing and taking lands from other persons, but would necessarily be incapable of holding as against the crown :—and this will be seen to have been precisely the extent of their incapacity, prior to the statute 55 Hen. 3. which will be hereafter mentioned.

Bracton, who wrote in the time of Henry the Third, expressly lays it down, that the Jews are capable of purchasing and taking land.† In considering to whom a grant may be made ; he says, “ also

* As the act of 55 Hen. III., which will be referred to hereafter, expressly declares that the Jews shall not take lands ; the inquiry into the state of the law, prior to that statute being passed, would probably be unnecessary, if no doubt had been thrown upon its authenticity. As, however, it will be seen that it has been denied that any such act ever existed, it was necessary to consider how the law stood, independently of its operation ; in order that the present state of the Jews, in respect to their right to hold land, might be considered as well independently of the statute, as upon the supposition that it was once in force.

† Craig lays it down, that the Jews were incapable of taking a feud : “ Ita tamen hoc intelligendum est, ut neque Judæis, neque hereticis, neque apostate, neque similibus personis, feuda concedantur : neque enim hi feudorum sunt capaces. Lib. i. p. 14. s. 2. 10. History of Feuds.

a grant may be made as well to religious persons as to others to whom one may grant also to Jews, as well as to Christians, unless the form of the grant imports to the contrary; for instance, that it shall be lawful to the grantee to grant away or sell the thing granted to whom he pleases, except to religious persons and Jews; and that he should not grant it to them as well as to others, is supported by no reason, save only the terms of the grant.”*

In corroboration of the authority of Bracton, several records are preserved which afford instances of the Jews being allowed to take real estate. In the 35th of Henry the Second, anno 1189, a final concord was acknowledged before John, Bishop of Norwich, and Ranulphus de Glanvil the king's chief justice, and others in the king's court in a real action depending before them between William de Curzun, plaintiff, and Jornet a Jew of Norwich, terre tenant of a messuage, with the appurtenances in Norwich; whereby the said William granted the said messuage with the appurtenances to the said Jornet and his heirs, by the service of five shillings yearly†—again in the ninth of King Richard the First, anno 1199, a final concord was acknowledged before Simon de

* *Item fieri poterit donatio tam viris religiosis quam aliis quibus dare poterit. Item tam Judæis quam Christianis, nisi modus donationis inducat contrarium. Scilicet quòd licitum donatorio rem datam dare, vel vendero cui voluerit, exceptis viris religiosis et Judæis; et quòd talibus personis dari non poterit sicut aliis nulla ratio vel necessitas illud inducit, nisi tantum modus donationis. Lib. ii. cap. 5. s. 6.*

† Lansd. MSS. No. 215. p. 77. where the following note is added: “N. B. There are but four fines, of the reign of king Henry II., now remaining in the king's treasury of the receipt of the Exchequer.”

Patteshall and several other of the king's justices, in a cause depending before them between Philip, son of Walter, plaintiff, and Jacob a Jew, son of Samuel of Northampton, terre tenant of a messuage with the appurtenances in Northampton, whereby the said Philip granted the said messuage with the appurtenances, to hold to the said Jacob and his heirs in fee and inheritance (*sibi et hæredibus suis in feodo et hereditate*) paying fourteen-pence annually to the grantor and his heirs in full of all services.* In the 10th year of King John, a final concord was acknowledged before the same Simon de Patteshall and other the king's justices, between Robert of Norfolk and his wife, and Isaac the Jew, concerning a messuage with the appurtenances in London, whereby the said Robert and his wife conveyed the said tenement to Isaac and his heirs for ever.†

In addition to these proofs of the Jews having been considered capable of purchasing and taking lands, ample evidence to the same effect will be afforded, in the authorities which will be produced to shew the right which the king possessed over their real estates.

Let us now therefore proceed to examine the evidence which exists of the king having had this right. —Bracton in his chapter on warranty says, “if any one, either Christian or Jew, be called to warranty who does not hold land by which he may be distrained, the sheriff shall be directed to take his body; because in that case, land cannot be taken in recom-

* Lansd. MSS. No. 215. p. 77.

† Ib.

pense. But, indeed, a Jew cannot have any thing of his own, because whatever he acquires, he acquires not for himself, but for the king; because they live not for themselves but for others, and thus they acquire not for themselves but for others.*

The ordinances of King Richard which have been before mentioned, compelled the Jews upon oath to register with the justices of the Jews all their lands and real estate. This provision may be considered to afford evidence of a right claimed by the crown in respect of that prosperity, and was no doubt made with the view of facilitating the exercise of it. Many records are preserved, which shew that this right which the crown possessed over the lands of the

* Cum quis ad Warrantum vocatus fuerit Christianus vel Judæus qui terram non tenuerit in feodo quæ capi possit in manum Domini Regis, vel per quam distringi possunt precipiatur vicecomiti quodd habeat corpora eorum quia ibi non poterit captio terræ fieri ad valentiam. *Judæus vero nihil proprium habere potest, quia non vivunt sibi ipsis, sed aliis et sic aliis acquirunt et non sibi ipsis.* Bract. Lib. v. cap. 6. s. 6. Mr. Webb suspected the latter part of this passage to be an interpolation; and upon examining a MS. copy of Bracton, in Lincoln's-inn Library, (No. 136.) he found a confirmation of his conjecture, as the passage is not in the MS. The author has also examined the MS., and finds Mr. Webb's statement to be correct. Of eight MS. copies of Bracton, in the British Museum, three only have the passage. Mr. Caley, in a paper, "On the Origin of the Jews in England," read to the Society of Antiquaries in the year 1787, notices this circumstance; but adds, "upon careful examination of the MS., I am inclined to think the reading in the printed copies to be right; since, though, of the eight, three only have this exceptionable part extant; yet, in point of antiquity, these are much to be preferred to the others, in which it is omitted." The author has also examined the MS. in the British Museum; and, as far as he is able to judge, concurs in opinion with Mr. Caley. In a MS. copy in the University Library at Cambridge, which the author has looked through, the passage does not occur. This copy is, however, in many respects imperfect. There are other MS. copies of the same work in this library, but which have not been examined.

Jews was continually exercised in a most oppressive and arbitrary manner. The king at his pleasure seized their houses and lands.

Thus it appears by the clause rolls,* that King John, in the 15th year of his reign, granted to the Lord Ferrars, the house of a Jew in St. Margaret's parish, London. And that King Henry the Third, in the 16th year of his reign, granted away the house of a Jew situated in Paternoster-street, London.†

Tallages were imposed at the mere will of the king; and payment was enforced by seizing the houses and lands of the Jews, and selling them to the king's use. Henry the Third, in the 36th year of his reign, having imposed a tax of 3,500 marks upon the Jews, directed that it should be raised by distraining them *per terras et tenementa catalla uxores et filios et omnibus aliis modis.*‡ And the same monarch, in the 43rd year of his reign, directed that the sum of 500 marks should be raised in the same manner.§

So when the king promulgated any fresh regulations with respect to the Jews, he enforced their observance amongst other means by seizure of their

* Claus. 15 Jno. m. 3. Prynn, Dem. 15. Fa. Rym. Fœd. 118. A grant in same year, 15 Jno. of a Jew's house to Thomas de Neville.

† Claus. 16 Hen. III. m. 7. De domo cujusdam Judæi in London, dato Rico Capellæ Dem. 22. And see Fines, 46 Hen. III. m. 14. ib. 7 Hen. III. mem. 2. p. 1. Ebor in Moloy de Jure Maritimo and Claus. 15 Jno. m. 13. in ibid. Prynn in his Dem. p. 18. says, "It appears by many Rolls of the 2, 3, 4 & 5 Hen. III. that king John seised and gave away to others the houses of divers Jews, both in Gloucester, Oxford, and Northampton. And see ib. p. 45. 51. and Claus. 50 Hen. III. m. 10.

‡ Claus. 36 Hen. III. m. 26. See ante, p. 79, note.

§ Pat. 43 Hen. III. m. 3.

lands. King Henry the Third issued an order, that the wives and children of the Jews should not remove themselves from the towns where they severally resided; and the justices of the Jews were directed to compel obedience to the order, if necessary, by the seizure of the lands and rents of the Jews; and to sell them to the king's use.*

Upon the death of a Jew, the king enters upon his estate; and if the wife or children were allowed to take it, it was only upon payment of a heavy fine for the privilege of so doing. Thus, in the 23rd of H. III. the heirs of Samuel the Jew paid the king a fine of 100*l.* to have the lands of the said Samuel;† and in the 26th year of the same reign, it appears by the claus. rolls, that Moses, the son of Jacob the Jew, paid a fine to the king for permission to take his father's lands.‡ And in the 19th year of Henry the Third, Ursula, the daughter of Hamon, the Jew of Hereford, paid the king 5,000 marks to have the lands, houses, debts and chattels, of her deceased father.§

In case a Jew desired to convey away his land, he was obliged first to obtain a licence from the crown to do so. Thus it appears from the Patent Rolls,

* Claus. 29 Hen. III. m. 7. 'Dem. 35.'

† Appendix (E).

‡ Claus. 26 Hen. III. m. 2.

§ See Appendix (E). Prynn, 2 Dem. p. 38, b. mentions many instances from the Fine Rolls of sums paid to the king by Jews: *pro terris et catallis patris eorum ratione relevii regi contingentibus*. These fines, or reliefs, will appear most exorbitant, when we remember that, by Magna Charta, the relief of an earl's son for a whole county was settled at 100*l.*; of a baron's heir for a whole barony, at but 100 marks; and no more than 100 shillings was to be paid for a knight's fee.

that Edward the first granted a licence to Samuel the Jew of York, to sell his house in London; and the same monarch also gave a like licence to a Jewess, to sell a garden belonging to her in London.

Besides these evidences of the power of the crown over the lands of the Jews, as shewing a direct assertion of the right, there is another circumstance which, taken in conjunction with what has been already stated, may be considered to afford a proof that they held their lands at the will of the crown; and it is this, that the rules which applied to this species of property in general, did not operate with regard to their possessions; but where they were permitted to enjoy their estates, their own rules and customs were allowed to prevail and be put in force. Thus in cases where they held lands, the eldest son did not inherit to his father, but all the sons succeeded equally. By the Fine Rolls of Henry the third, it appears that the king upon a fine paid to him, granted permission to Ursello the son of Hamon, the Jew of Hereford, and to *his brother*, to inherit the lands of their father.* Again, the same king, upon the death of Samuel the Jew, on a fine paid to him, directed that *Aaron and Benedictus, sons of Jessei*, should be put in possession of the lands of the said Samuel as his heirs.† And in the 26th year of the same king, the justices of the exchequer, were directed to give possession of the land of Jacobs the Jew to Moses and Isaac his *two sons*.‡

In like manner, the widow of a Jew received her

* Append. (F).

† Ibid.

‡ Ibid.

dower according to the customs of the Jews, and not in conformity with the general law of the land. Thus, the above mentioned writ, directing possession to be given to the heirs of Samuel the Jew, secures to the widow her dower, *secundem legem et consuetudinem Judæorum*.*

It is conceived, that sufficient evidence has been now produced to prove, that though the Jews formerly were allowed to hold lands in this country, yet, that they held them at the mere will of the crown; and further, that the power which the king claimed to have over their landed estates was, as with respect to the said property, founded upon the circumstance of their being considered as his villeins or bondsmen.

It will be proper now to inquire, whether any alteration was made in the situation of the Jews, with respect to this species of property, by means of any statutory enactment.

It will be shewn, it is apprehended, that two statutes were passed, previously to the expulsion of the Jews, which made a most material change in the law in this respect, inasmuch as the Jews were thereby rendered incapable of *taking* land, whereas they were before only unable to *hold* as against the king.

These statutes, as before observed, were most probably exacted from the king, by the nobles and great men of the nation, with a view to their own relief rather

* If a Jew who was converted to Christianity had previously purchased lands and married a Jewess, she was not allowed her dower. *Judæus natus in Anglia purchase terre, marry Jewes, il est convert ad Christianitatem, et nemy eh navera dower.* Jenks. Co. Litt. Tovey, Angl. Jud. 230.

than with any intent of further oppressing the Jews ; inasmuch as the title which the king claimed to the landed, as well as other property of the Jews, materially interfered with the rights and immunities of the feudal lords, by depriving them of their escheats and reliefs.

The two statutes which made the alteration in the law applicable to this subject were passed, the 1st in the 54th or 55th year of Henry the third, and the other in the 3d year of Edward the first.

With regard to the latter of these statutes, which is generally known by the title of the statute *de Judaismo*, no doubt has been entertained as to its authenticity : it has been commented upon by Lord Coke, and by him acknowledged to be a statute, and it is published, as an act of parliament, in the edition of the statutes lately compiled by the order of government. With respect to the statute attributed to the 55th year of Henry the third, very considerable objections have been raised. It has been denied that any such statute was ever passed ; and much argument has been used to prove, that the document supposed to be a statute, was in fact no more than a simple ordinance of the king.

Before we enter upon the consideration of these arguments, and of the evidence by which the existence of the statute in question is supported, it will be more convenient to point out the general effect and nature of both the acts.

The 55th of Henry the third declared,* that from thenceforth no Jew should have a freehold in any

* See Appendix (C).

manors, lands, tenements, rents, or tenures whatsoever, either by charter, gift, feoffment, confirmation, or other grant whatsoever; that it should not be lawful for them to purchase, or by any other method acquire, any more houses in the city of London than those they then possessed; but that they might hold, as in time past they were accustomed to hold, houses in the cities, boroughs, and towns where they resided; that, with respect to those lands and tenements in which they were before enfeoffed, and which they then held, such feoffments and grants should be absolutely annulled; and that the said lands and tenements should return to the Christians who granted the same: but upon condition that the said Christians should make satisfaction to the Jews, without usury, for the money or consideration contained in the charters, and which was paid by the Jews to the Christians for the said feoffments or grants; and also upon condition, if the said Christians could not make immediate satisfaction for the same, that it might be lawful for the said Jews to make over the said tenements to other Christians, until the consideration paid by them could be raised out of the rents and profits of the said estate, according to its true value, by a reasonable assessment: saving, however, to such Christians, their subsistence. That if a Jew should thereafter happen to receive from any Christian a feoffment, or any fee or tenement, contrary to the said act, then that the said Jew should absolutely forfeit the said tenement or fee, and the same should be taken into and safely kept in the king's hands; and that the Christians,

or their heirs, might recover the said lands or tenements, upon payment to the king of the whole money which they received from the said Jews for such feoffment ; or pay yearly to the king the true yearly value of those tenements or fees, according to a just and reasonable assessment, until full satisfaction of the said money or consideration should be made.

By the statute 3 Edward I. it was further declared, that no Jews should have power to alienate in fee, either to Jew or Christian, any houses, rents, or tenements, which they had already, or dispose of them in any manner without the king's special licence ; that they should not pay any rent to any but the king or his bailiff in his name, excepting for the houses they then held, rendering rent ; that they might be at liberty to purchase houses and curtilages in the cities and boroughs where they resided, provided they held in chief of the king ; saving, however, to the lords, their due and accustomed services ; that such as were unskilful in merchandize, and could not labour, might take lands to farm, for any term not exceeding ten years, provided no homage, fealty, or any such kind of service, or advowson to holy church be belonging to them ; and provided also that this power to farm lands should continue in force for fifteen years from the making of the act, and no longer.

Having now stated the general nature of these several ordinances, let us consider whether or not the first of them, namely, that which is attributed

* Appendix (D).

to the 55th of Henry III. ought to be considered as having had the force of an act of the legislature ; or whether it was not a mere ordinance of the king, promulgated by his sole authority.

The principal arguments which have been relied upon, to shew that the ordinance in question was not an act of parliament, are, 1st. that historians make no mention of such an act having been passed ; 2dly, that no such act is contained in any known collection of the statutes, either printed or in manuscript ; 3dly, that it is impossible that any act could have been passed at the time to which this is attributed, inasmuch as no parliament assembled in the reign of Henry III. after the 52d year of his reign ; 4thly, that the document which is relied upon as the statute, is evidently, from its form, not an act of parliament, but merely an ordinance of the crown.*

With respect to the first of these objections, it is to be observed, 1st. that though the silence of historians might, in the absence of any evidence in favor of the act, raise a suspicion against its authenticity, yet that it is at most a suspicion, and must immediately give way upon the production of any thing like direct proof ; 2dly, that the objection is not of much force, is evident from this fact—that though no doubt exists of the ordinance in question having been issued by the king, (even supposing it was not sanctioned by parliament), yet the same historians who are silent with respect to any Act having been passed, omit equally to make any mention whatever of the Ordinances.

* See particularly Mr. Webb's pamphlet.

In answer to the second objection, it is to be remarked, that the earliest edition of entire statutes was printed at the latter end of the fifteenth century, and began with the statutes of Edward III. ; that the statutes of Henry III. and Edward I. were not printed entire until the beginning of the sixteenth century ; that there are very few, if any, manuscript collections of statutes, that are not of later date than the reign of Edward I. ; and that no parliamentary records of statutes are known to be extant, prior to the statute 6 Edward I.* As, therefore, the first printed collection of the statutes in which this act could have appeared was not published until two hundred years after the Jews had been banished ; and the manuscript collections are also of a date subsequent to their expulsion, the circumstance of the act not being found in any of the collections, can surely have but little weight ; inasmuch as there was no good reason for preserving the transcript of a statute which, from the circumstance of the entire absence of the Jews from the country, had become wholly inoperative.

The third objection, namely, that no parliament was held after the 52d of Henry III, would indeed, if founded in fact, be unanswerable: the assertion is, however, not only not supported by any direct authority, but is clearly most erroneous ; for it appears that a parliament was holden in the year 1270, and another in 1271,† in either of which the ordinance

* See the Introduction to the parliamentary edition of the Statutes.

† It is to be remarked that much doubt has been entertained whether the statutes of Marlebridge were not passed in the 54th year of this reign. The

in question might have been sanctioned.* This fact is plainly stated in the *Annals of Waverley*, under the years 1270 and 1271 : this objection also, must therefore be considered to fall to the ground.

Let us now consider the weight of the 4th objection, namely, that the document produced is plainly, from its form, not an act of parliament, but an ordinance of the king. In answer to this objection, the following authorities will, it is conceived, be sufficient to show that though the instrument in question is indeed in the form of a writ or of letters patent, yet that this circumstance is not in any manner conclusive against its authority, as an act of parliament.

In the introduction to the parliamentary edition of the Statutes lately published, the learned compilers of that work state that, "it has been observed by Lord Coke, 2nd Institute 525, that acts of parliament are many times in the form of writs and letters patent," and they add that, "many such have been inserted in all editions of the Statutes."†

Lord Coke, in 2nd Institute, p. 639, in his *Expo-*

commencement of the act states it to be of the 52d year ; but the ninth chapter states that thirty-nine years and a half had then passed since the first voyage of the king into Brittany, which was in April, 1230, and would make the time 1269 or 1270, the 54th of Henry III. In the continuation of the history of Matthew Paris, under the year 1269, it is stated, "Hoc anno Rex Angliæ in octavis Sancti Martini parliamentum tenuit apud Marlber. in quo de assensu comitum et baronum edita sunt statuta, quæ de Marlberwe vocantur."

* Henry III. commenced his reign in the autumn of the year, consequently part of the 55th year of his reign was in each of the years 1270 and 1271..

† Page 31. See also *Prince's Cases*, 8 Co. Rep. 13.

sition on the statute 18 Edw. 3. c. 7, respecting tithes, notices that objections had been taken to it as an act of parliament, because it was in the form of letters patent, viz. "That it should be no act of parliament, but an ordinance made by the king only at the request of the prelates; and that the king to these letters had put his seal, and the test and date as done by the king only;" and he then goes on and shews, from other evidence, that notwithstanding the form in which the document is drawn up, yet that it was, in fact, an act of the legislature.

The cause of many statutes being extant in this form only, will be understood from the account that is given in the preface to the statutes, to which allusion has already been made, of the mode in which acts of parliament were formerly framed. The statement is as follows: "the statute was penned by the king, and a council of judges, and others who were called in to assist therein; the usual time for making a statute was after the end of every parliament; and after the parliament roll was engrossed, except in some extraordinary cases, the statute was drawn out of the petition and answer, and penned in the form of the law. The statute being thus drawn out, it was shewn to the king, and upon his Majesty's approbation thereof, it was engrossed, sometimes with a preamble to it, and a clause *observari volumus* at the conclusion, and sometimes without any preamble at all, and then by writs sent into every county to be proclaimed."

Having now disposed of the objections which have been raised against the act in question, it remains to be enquired what evidence there is in support of it.

First, it appears from the records in the Tower, as given in the parliamentary edition of Rymer's *Fœdera* lately published, that writs or letters patent, similar to the one given in the Appendix, were, in the fifty-fifth year of Henry the third, sent to the sheriffs of all the different counties. That writs in this form and to this effect, therefore, were issued at the time at which the act is said to have been passed, is no longer a matter of doubt.* Let us, therefore, examine whether these instruments bear any internal evidence that they were issued for the purpose of promulgating an act of parliament; or whether, on the other hand, they appear to have been simple ordinances of the king. Now that these instruments were not, in fact, simple ordinances of the king, but really rested their authority on an act of the legislature, is plain from the language in which they are framed. They commence as follows: "Henricus dei Gratiae Rex Angliæ, &c. Delictis et fidelibus vicecomitibus, &c. Sciatis, quod, ad Honorem dei, &c. *Providimus, de consilio Prælatorum, Magnatum, et Procerum, qui sunt de concilio nostro, ac etiam ordinavimus et statuimus pro Nobis et Hæredibus, nostris quod nullus Judæus liberum tenementum habeat in maneriis, &c.* Again they proceed

* The document in question was first discovered by Dr. Tovey in the Bodleian Library; and much suspicion has been thrown upon the authenticity of the instrument, from the circumstance of its not being known to be in existence anywhere else. This objection is now done away with, as it appears, as mentioned in the text, that a transcript is preserved in the Tower. A copy is also given in Lord Hale's MSS. vol. cxiii. p. 619, from the Patent Rolls, 5 Hen. III. m. 10. Lord Hale's MSS. are in Lincoln's Inn Library. And see also the Cottonian MSS. in the British Museum, tit. Vespasian, p. 281.

“ *Providimus etiam et statuimus de eodem concilio nostro quod de domibus suis, &c.*” and “ *De terris autem et tenuris de quibus Judæi, ante præsens statutum feofati fuerunt, &c.*” again, “ *Si contingat Judæum aliquod feofamentum recipere, &c. contra presens statutum, &c.*” And then they conclude as follows: “ *Et ideo vobis præcipimus firmiter ingungentes, quod provisionem ordinationem et statutum prædictum, publice et per totam ballivam vestram, camarii et firmiter teneri et observari faciatis.*”

It will be observed that the ordering part of this instrument; that is the only part in which the king speaks in his own person, is, as one would expect to find it, in the present tense, “ *præcipimus, &c.*” We command you to see this statute observed; whereas the whole of the rest of the instrument is in the past tense, “ *Providimus ordinavimus et statuimus,*” we have provided, ordained and enacted. Now surely this is not the form in which the instrument would have run, if the authority of the ordinance rested upon the simple will of the king; but it would have run thus, *we hereby do provide, ordain and enact*. It is clear, therefore, that the instrument has reference to some provisions and enactments which had been previously made, and the words of the document itself shew how made; namely, by the counsel of the “prelates, nobles, and great men who are of our council.” The prelates, nobles, and great men here spoken of, were merely of the king’s privy council; but this assertion is contradicted by the ordinance which was made by their advice being termed, throughout the writ, a statute, *statutum*, which word would not have been applied

to an act done simply by the king and his privy council. Moreover, it appears from the authority of Lord Coke, that the words *concilium regis* were often applied to the great council of the nation or the parliament.* In his exposition of the *articuli cleri*, 2 Inst. 624, commenting on the words *Per concilium domini regis* used in that statute, he says, “there *concilium domini regis* is taken for *commune concilium regni*, as it is termed in original writs and in other legal records ; and so it is taken in other acts of parliament, and in the preamble of this act also, where it is said *ac nuper parlamento nostro apud Lincoln, &c. et coram concilio nostro.*” It is submitted, therefore, that the form of this instrument clearly shews, that it was not a simple ordinance of the king any further than in the direction which it gave to see the provisions contained in it observed ; but it was intended to promulgate a law which had been otherwise enacted ; — the circumstance of that law being stated to have been made by the counsel of the prelates, great men and nobles of the council ; and the word *statutum* being applied throughout to the enactments, shew clearly that the ordinances received the sanction of legislative authority.

In addition to the internal evidence to be derived from these instruments, strong presumptive proof is also afforded by the provisions of the statute 3 Edw. I.

* The form of the stat. of Acton Burnel, 11 Edw. I. is as follows :—“ Le Rei par luy e par son conseil ad ordine e etabli qe,” &c. In the stat. of Merchants, 13 Edw. I. this Ordinance is clearly spoken of as a Statute. “ Le Rey par luy e par sun conseil a sun parlement que il tint a Acton Burnel le an de son regne unizme fut e ordina.”

of this act, or some one to a like effect having been previously passed. The statute 3 Edw. I. grants permission to the Jews to take lands to farm for any term not exceeding ten years; provided that such power to farm lands should not continue in force for more than fifteen years after the passing of the act. Now, it is plain, that if no act had been in existence, restraining Jews from taking lands, there would have been no necessity for this permission. And further, can it be doubted, that as the legislature were careful to restrain the Jews from taking lands to farm for more than ten years, they would, unless some law to that effect had already existed, have gone on to enact, that they should not take any lands in fee.†

There is another circumstance which goes a great way to prove that the statute in question was passed, namely, that though the Jews without doubt, previously to the time when it is said that it was made, held lands here. Yet it would seem, that at the time of their banishment, about twenty years afterwards, they did not possess any land whatever; for out of about a hundred grants of the property which escheated to the king upon their expulsion, which are preserved to us*, there is not mention made of one

* The same statute also prohibits the Jews from alienating in fee any *houses, rents, or tenements* which they had already purchased. If they had been capable of holding *lands*, it cannot be surely conjectured why the prohibition did not extend to restrain the alienation of them also.

† See Rot. Original. 20 Edw. I. Parliamentary Edit. p. 73, 74, 75. All these grants are *de domibus* illis eum pertinentiis, in different towns, with the exception of one or two instances of ground in the neighbourhood of cities, stated to have been *burying grounds*. In the Lansdowne MS. cexv. is the copy of a writ of 19 Edw. I. to certain persons, to set a value upon,

single acre of land ; all the grants apply to houses and tenements in cities, which, it will be borne in mind, they were by the provisions of the act, permitted to hold.

If sufficient has not already been stated to shew that these ordinances had the force of legislative enactments, still it is conceived, that the record about to be noticed must be admitted, to afford direct proof of their having been formerly recognized as a statute. In a suit instituted on behalf of the crown, in 9th Edw. I., the pleadings in which are given in the parliamentary edition of the *placita de quo warranto* (p.815), the king claimed certain lands as his escheat, because they were formerly in the seizin of a Jew ; and in answer to this demand, it is pleaded, that the king could have no escheat of the lands, because the fees of the Jews were abolished by a statute made in the time of Henry the Third. The words of this record are as follows :

“ Dominus Rex, per Will. de Gizelham, qui sequitur pro eo, alias ad placita corone, petiit, versus Walt. de Kancia, unum messuagium: sexaginta acras terræ, duas acras prati, et viginti octo solidi, redditus cum pertinensiis in Drayton in Com. Suth. ut jus et escheatam suam ; eo quod quidem Benedictus de Winton, Judæus, fuit inde seisitus, ut de feodo, die, quo tenementa illa dimisit cuidam Jacobo Cok, te-

and sell the possessions of the exiled Jews. In this writ, *the words house and tenements* are used ; no mention is made of any *lands*. Per omnibus, &c. Cum assign. dilectum nostrum H. de Kendal *ad domos redditus et tenementa* quæ fuerunt Judæorum nostrorum in Angliam appretienda, extendenda et vendenda, &c.

nend. ad voluntatem ipsius Judæi: sic patitur in placitis corone, per presentationem hundred. de Salton in Com. Suth.

“ Et Wallerius venit, et alias vocat inde, ad warrant. Jacob. Cok., qui modo venit per sum. et ei warrant. et dicit quod predictus Benedictus Judæus, aliquo tempore, fuit seisitus, de predicto tenemento, ut de feodo. Et dicit quòd, eo tempore, dimisit ipse predictum tenementum, ipsi Jacobo, in in feodo. Unde precise dicit, quod postquam *feoda Judæorum abolita fuerunt, per statutum Domini Henrici Regis patris domini Regi*. Nunc, predictus Judæus nunquam aliquid habuit, in tenemento predicto, per quod tenementum illud possit esse escheata Domini Regi. Et de hoc ponit se super patriam. Et Will. de Gizeham scilicet. Preceptum est Vic. Suth. quod veniri fac. apud Exon. in octob. Sancti Martin, xii. et per quos, etc.”

In these pleadings then, direct reference is made to a statute passed in the time of Henry the Third, by which the power of the Jews to hold lands was taken away: both in substance and date this accords with the ordinances in question; and as no other statute, of a similar effect, is any where stated to have been passed, it may be safely assumed, that it was these ordinances upon which it was intended as a statute to rely.

Again, in the pleadings in a suit in the 19th year of Edward the Second, reference would seem also to be made to these ordinances, although the reference in this case is not so distinct as in the case just mentioned. In this suit, it appears that a lease had

been made to two Jews. One of the counsel, to shew the invalidity of this lease, pleads that “*de leur tenants il avoit certain ley ordeyne*,” &c. of their tenants (i. e. the Jews,) a certain law was ordained ; and the judge then says, “*la Jewrie est defet, et la ley ordeyne sur ceo aussi defet*” — Judaism is a defect, and the law also upon it ordains a defect.*

Assuming that enough has now been said to shew that the ordinances in question ought to be considered to have had the force of legislative enactments, then by force of these ordinances, and of the statute of 18 Edw. I., the state of the law with respect to the Jews at the time of their banishment stood thus :— they were incapable of taking any lands or tenements in fee,—and in case they should have any conveyance made to them of any lands or tenements, the same was to be taken into the king’s hands, who was to hold the same, subject to be redeemed by the Christian, upon payment to the king of the whole purchase money receive—they were at liberty to purchase houses in the cities where they resided, provided they held in chief of the king, but could not alienate their houses without the king’s special licence ; but it would appear to have prohibited the purchase of any more houses in the city of London than those which they already held.

The situation of the Jews, and the nature and extent of their disabilities, prior to their banishment, having been pointed out, it remains to be considered what is the present state of the law as regards them.

* Appendix (H).

If the supposition which has been advanced be correct, namely, that the disabilities under which the Jews formerly laboured, (independently of their title to land,) arose entirely out of the circumstance of their standing in the relation of villeins or serfs to the king, there can, it is apprehended, be no ground for asserting that they are, in this respect, under any disabilities at the present day, owing to the former state of the law; for it can never be contended that they are at present the villeins of the king. Any restraints, therefore, which now attach upon them, must be the effect of some more recent provisions. As far as regards their general rights of property, (as distinguished from their right to hold or take real estates), no law whatever has been passed, which has reference to them, more particularly than to other persons; and as to those rights, therefore, they are on an equality with the rest of the nation.

But though there are no existing impediments in this respect, the Jews nevertheless labour under very considerable disabilities, as to their capacity to fill a great variety of offices and duties. These disabilities are occasioned by the necessity which the law imposes upon persons filling those duties and offices, to take the Oath of Abjuration, as finally settled by the 6th of Geo. III., and to make the Declaration substituted in the place of the Sacramental Test, by the statute 9 Geo. IV. Both the Oath of Abjuration and the Declaration contain the words, “upon the true faith of a Christian,” and of course, therefore, cannot be subscribed to by a Jew. The offices and duties from which Jews are excluded, by the neces-

sity of subscribing either to the Oath or the Declaration, will be best understood by pointing out the cases in which either the Oath or the Declaration, or both, are required. The Declaration* and the Oath of Abjuration† are both required from all persons holding any office, civil or military, or any place of emolument or trust under the crown. The Oath of Abjuration, but not the Declaration, must be taken by all persons filling offices in either of the Universities of Oxford or Cambridge,‡ and by all members of colleges there that are on the foundation, or enjoy any exhibition; also by all persons teaching in those Universities or elsewhere, by all Schoolmasters and Ushers, by Serjeants at law, Barristers, Attorneys, Solicitors, Proctors, or Notaries, or Clerks practising in any of the courts of law in England; by all High and Chief Constables,§ by all persons voting at elections for members of parliament,|| and by all Members of either house of Parliament.¶ The Declaration, but not the Abjuration Oath, is required from all persons who shall fill any office, or be employed in any Corporation.

With respect to those cases in which the Oath of Abjuration alone is required, (as it is, in most cases, not demanded before admission, and six months time after entering upon the office is, by the acts, allowed for taking the oath,) the annual act of indemnity generally affords a protection; but with regard to

* 25 Ch. II. c. 2. 9 Geo. IV. c. 17.

† 1 Geo. I. st. 2. c. 13. s. 2. 2 Geo. II. c. 31. 9 Geo. II. c. 26. 6 Geo. III. c. 53.

‡ Ib.

§ Ib.

|| 6 Ann. c. 23. s. 13.

¶ 1 Geo. I. c. 13. 6 Geo. III. c. 53.

cases where the Declaration is required, it is a total bar to entering upon any office, as by the statute 9 Geo. 4. it is required to be taken before admission.*

In addition to these disabilities which the necessity of taking the oath, and of subscribing to the declaration impose upon the Jews, it is imagined by some persons, that they are still subjected to the penalties from which it was the object of the Act of Toleration, of the first of William and Mary to afford relief. These penalties were imposed, by certain statutes, passed in the time of Elizabeth, and James the First, upon persons refusing or neglecting to attend divine service in churches, or some other places of common prayer. The Toleration Act, which was entitled “An Act for exempting their majesties’ *Protestant subjects* dissenting from the church of England, from the penalties of certain laws,” enacted

* The statute of 9 Geo. IV., which was passed for the purpose of affording relief to Dissenters, and certainly not with any reference to the Jews, has, in fact, placed persons of this latter persuasion in a much worse condition than they were before. The Declaration was substituted in place of the sacramental test, in cases where that was previously necessary: by the statutes requiring the Sacramental Test, six months after entering upon the office was allowed for taking the sacrament, and the Annual Indemnity Bill, in fact, relieved in all cases where the Test was required. The stat. 9 Geo. IV., instead of allowing *six months, after entering* on the office (for the Declaration being made), requires that it should be taken *before entering* upon the situation, and it therefore operates as a total exclusion of Jews from any office where it is necessary. The Act, however, contains an exception, in favour of persons taking office under the crown; six months being allowed to them to take the oath. And naval officers, below the rank of rear-admiral, and military officers, below the rank of major-general, are excepted from the act; as are also commissioners of the customs, excise, stamps, or taxes, and all persons holding office under them, or under the postmaster-general.

that neither any of the abovementioned acts of Elizabeth or James, or any other law or statute, made against Popish recusants, except the Test Act and acts requiring oaths from members of parliament, should be construed to extend to any person or persons dissenting from the church of England, who would take the oath of allegiance and supremacy, and make the declaration against transubstantiation ; and that all and every the person and persons that should take the said oaths, and make the said declaration, should be free from any pains, and penalties, and forfeitures, mentioned in another act of Queen Elizabeth, and in an act of 22 Charles 2.—By the seventeenth clause, it was enacted that the Act, or any thing therein contained, should not extend, or be construed to extend, to give any ease, benefit, or advantage, to any Papist or Popish Recusant, or to any person that should deny in his preaching or writing, the doctrine of the Trinity, as declared in the thirty-nine articles.—By the statute 53 Geo. 3. c. 160. so much of the Toleration Act of William and Mary as provides that it should not extend, or be construed to extend, to give any ease, benefit, or advantage, to persons denying the Trinity, as therein mentioned is repealed.

The reason upon which it has been contended that the act of first of William and Mary, as extended by 53 Geo. 3. does not afford relief to the Jews is this, that the act of first William and Mary, was intended for the relief of *Protestant* Dissenters only, and that therefore, Jews cannot come within its operation. This supposition is founded on the words

of the title of the act, which are “ An Act for exempting his majesty’s *Protestant* subjects dissenting from the church of England from the penalties of certain laws.” Upon reference, however, to the statute, it will be found that the words “ *Protestant Dissenters*” are not used in the enacting parts of the statute (applicable to the question); its operation, therefore, unless controlled by the title, would be sufficient to comprehend all persons dissenting from the church of England, excepting such as deny the Trinity, whether Protestant Dissenters or not. The whole question therefore must turn upon this, whether the intention of the act is to be considered as controlled by the wording of the title; for if not, then the act as extended by this statute of 53 Geo. 3. is applicable to Jews as well as to all other dissenters. The following opinion of Lord Hardwicke will, it is conceived, be sufficient to shew that it ought not to be so considered, inasmuch as it is a general rule that the operation of a statute is not to be controlled, by the wording of its title. The learned judge, in commenting upon the statute of Mortmain, 9 Geo. 3. said “ I think the intent of the act is taken up much too short; for the title is no part of the act, and has often been determined not to be so; nor ought it to be taken into consideration in the construction of this act, for originally there were no titles to the acts, but only a petition and the king’s answer, and the judges thereupon drew up the act into form, and then added the title; and such title was only a direction to find it out by amongst the Rolls of Par-

liament, and at this day the title does not pass the same forms as the rest of the act ; only the Speaker, after the act is passed, mentions the title and puts the question upon it : therefore the meaning of this act is not to be inferred from the title, but we must consider the act itself.”*

But further, it would appear, from the provisions of the seventeenth section of the act of William and Mary, that the legislature at the time it was passed, conceived that the words of the title were not sufficient of themselves, so to controul the operation of the statute as necessarily to confine it to Protestant Dissenters ; because, the words of this section declare, that “ nothing therein contained shall extend to the relief of Papists or Popish Recusants ”—a provision which would not have been necessary if the controlling force of the title of the act had been acknowledged. It is conceived therefore, that there is no good ground for the supposition that the Jews are not within the operation of the act of Toleration.”†

The whole of the legal disabilities under which the Jews now labour, (independently of the question as to their power to hold landed property) have, it is believed, been pointed out ; unless, indeed, the provisions of the statute of Anne, by which they were

* Ambler’s Rep. Second Edit. p. 22. in the case of Attorney-General v. Lord Weymouth.

† This subject is very cleverly treated by Mr. Goldsmid in his Pamphlet ; where the same opinion, as to the operation of the Act, which is contended for in the text, is ably maintained, but upon somewhat different grounds from those here advanced.

compelled to provide for their children who may be converted to Christianity, is to be considered as imposing a disability upon them.*

There is, however, one peculiarity in the law with respect to the Jews which remains to be mentioned, namely, that they are excluded from the operation of the marriage act, and therefore all their marriages are celebrated according to the rites of their own religion. The legality of marriages so solemnized, has been often recognized; and if any question arises upon them, it is determined by the Jewish law,

* See ante, p. 73. A Jew's daughter turned protestant; the Jew died, leaving several legacies in charities, and his personal estate to his executor, but nothing to his daughter. The daughter petitioned Lord Chancellor Parker for maintenancce under this act; it was objected that she was *forty-five years old*, and so the care of her education was over; secondly, that she was *married*, and therefore to be provided for by her husband; thirdly, that the *parent was dead*, and therefore could not be said to refuse to provide for her. But the Lord Chancellor said, he inclined strongly to think the case within the act for the reasons he stated, and possibly the charities given by the will might be under some secret trust for the child, if she should turn Jew, and therefore sent it to the Master for an inquiry. *Vincent v. Fernandez*, 1 P. Wms. 524. Vin. Abr. tit. Jew. sect. 12. It does not appear, that any order was, however, made in the above cause.—The Court of Chancery will not interfere with the education of the children of Jews, farther than is required by the statute. See *Villareal v. Mellish*, 2 Swanst. 538. And a Jew may devise the guardianship of his children, under the statute of 12 Car. II. c. 24. Ibid.—In the above-mentioned case of *Villareal v. Mellish* (Chancery, March, 1737), The daughter and widow of a Jew, having agreed with her father that he should have the care of the persons and estates of her infant children, and, in the event of their death during minority, receive a moiety of their property, and having abjured Judaism and married a Christian, on the petition of the children, the Court ordered that they should be delivered to their mother, guardianship not being assignable; the agreement not purporting to be an assignment, and the right of the mother to be guardian continuing, notwithstanding her second marriage.

which is ascertained in the same way as a foreign law, by the testimony of its professors.*

Before concluding the present branch of this treatise, it should be noticed that as the law now stands, the Jewish religion seems to a certain extent to be considered illegal. For it has been decided, that a legacy cannot be supported which is given to establish a Jesuba for the instruction of Jews in their religion,† or to maintain a synagogue.‡ It is, however, no objection to a charitable bequest, that the objects to be benefited are Jews.§ And in a late case,|| where an action was brought, an objection taken on the behalf of the defendant, that such an establishment was contrary to law, was overruled by the present Lord Tenterden then Mr. Justice Abbot. And on a very

* See Roper (Husband and Wife), Addenda by Mr. Jacob, vol. ii. p. 476. See Lindo v. Belisario, 1 Hagg. Cons. Rep. 216. Anciently it was felony for a Christian, either man or woman, to marry a Jew, and the party offending was to be burned alive. Coke, 3 Inst. 89. Fleta, lib. i. cap. 35.

† Da Costa v. De Paz, Ambler's Rep. 228. And see per Lord Eldon, in re the Masters of the Bedford Charity, 2 Swanst. Rep. p. 522.

‡ Isaac v. Gompertz, Ambler's Rep. 2d edit. p. 228. note (1).

§ See ib. in which case an annuity of 20*l.* to be given away every new year's day among poor Jews, and an annuity of 30*l.* for teaching and instructing ten poor Jews' children in London, were supported. In the same case, an annuity of 40*l.*, given to the *gabaz* of a synagogue in London was established, the Master having certified that the *gabaz* are persons, annually chosen by those frequenting the synagogue, as treasurers of the synagogue; they collect the annual subscription for the support of the poor Jews belonging to the synagogue; it is their duty to apply the money received by them in payment of the expenses of the synagogue, and in the maintenance of poor Jews and their families; that they may not become a burden to the parish in which they reside. The parties were directed to lay a scheme before the Master for the expenditure of the annuity.—It has been decided that Jews are not entitled to the benefit of the Bedford charity. 2 Swanst. 470.

|| Israel v. Simmonds, 2 Starkie, p. 356. S. C. 3 Meriv. p. 393. n. (a).

recent occasion, where the right of electing the vicar of a parish was vested in the parishioners, it is understood that Lord Eldon was of opinion that Jews were entitled to vote in the election, but that Roman Catholics were not.*

It seems formerly to have been doubted whether a Jew could be a good witness.† This doubt is however now exploded, and the testimony of a Jew is admitted, on his being sworn upon the Old Testament.‡

By the bye-laws of the city of London, Jews were unable to take up their livery or freedom in that city.§

We come now to consider whether the Jews, at the present day, are disabled either from taking, or from holding lands. Now, as it is certain that no impediments on this head are imposed by any enactments made, subsequently to the time of the banishment of the Jews, in the 18th of Edward the First, the question of their capacity at this day must depend entirely upon the present operation and effect of the laws which were then in force. If it be determined

* *Edenborough v. Bishop of Canterbury*, 2 Russ. 11.1

† See *Hale's Pleas of the Crown*, vol. ii. p. 279. 1 Atk. Rep. 24.

‡ *Omychund v. Baker*, 1 Atk. 44. *Facinu v. Sabine*, 2 Stra. 1104. So a Jew is sworn, to an answer put in by him in Chancery upon the Pentateuch. Anon. 1 Vern. p. 263.

§ In the city of London there are twelve Jew brokers, who are licensed by the Court of Aldermen. They are generally allowed to transfer their privilege, upon payment of a fine to the Lord Mayor; but, in case of death, the appointment falls into the city, and is disposed of by them. It has been decided, that the place of Jew broker is not saleable under a commission of bankrupt. *Ambler's Rep.* p. 188.

that the ordinances of 55 H. 3. were not of legislative authority, and that the stat. de Judaismo is not in force, then it is apprehended, that the Jews are now under no disabilities in this particular — because, independently of those several ordinances, their former incapacity, as has been shewn, rested merely upon the fact of their being the serfs or villeins of the king. And, as previously observed, it cannot be contended that they are to be considered at the present day as standing in that situation. The only material question therefore is, whether the above mentioned ordinances of 55 H. 3. and the act de Judaismo, are now in force. This must depend upon the simple fact, whether they have been repealed by any subsequent act of the legislature. Because, if they were formerly in force by legislative sanction, then they cannot have been abrogated by any thing short of the same power. As regards the stat. 55 H. 3., it is not surmised by any one, that any statute has passed, which has had the effect of operating as a *direct repeal* of its provisions. It is, however, supposed, that the legislature has indirectly recorded its apprehension, that no impediments exist to Jews holding lands; and it is therefore contended, that the ordinances in question cannot now be considered in force.

In the 9th year of Geo. 1. an act was passed, having for object the registration of the landed estates of the Popish Recusants: the registration was to be enforced against all persons who refused to take a particular oath; this oath contained the words “upon the faith of a Christian.” In the 10th year of Geo. 1. another act was passed, to amend and explain the

provisions of the last mentioned statute, and amongst other amendments, enabled the Jews, in case they were called upon to take the oath, to omit the words “upon the faith of a Christian.” It is said, that these two acts were intended to operate solely with respect to real property, and that therefore they afford evidence of the apprehension of the legislature, that the Jews were capable of holding landed estates.

In answer to the arguments which are founded upon the operation of these two acts of 9 Geo. 1. and 10 Geo. 1. it may be remarked, in the first place, that a prior statute can never be *repealed* by a mere constructive inference of the understanding of the legislature, drawn from the wording of a subsequent act of parliament;—and secondly, that the inference upon which the argument is founded does not, in fact, necessarily arise; because, under the statute of 55 H. 3. the Jews were, as it will be remembered, capable of holding houses in cities, which, as they are real estate, are sufficient to satisfy the words of these later acts, even supposing it to be clear that the Jews could not hold a single acre of land. It is conceived, therefore, that the statutes in question had no effect upon the operation and force of the act of the 55th of Henry the Third.

There is another statute which has also been referred to for the purpose of proving, that the legislature have acknowledged the right of the Jews to hold lands. This statute was passed in the 13th of George the Second, and enacted, that all persons born out of his majesty’s legiance, who should reside seven

years in the American colonies, and take the Oath of Abjuration, &c., *should be deemed natural-born subjects, to all intents and purposes as if they had been born within the kingdom*; and in cases of Jews availing themselves of the act, the words “on the true faith of a Christian” were to be omitted, out of the Abjuration Oath. It is contended that, under the words of this act, a Jew who complies with its provisions is capable of holding land, as one of the consequences of being deemed a natural-born subject to “*all intents and purposes whatsoever* :”—and, assuming this to be the true construction of the act, it is then insisted, that the legislature when they passed it, must have apprehended that the native Jews were capable of holding lands in this country. This conclusion is probably arrived at by contending, that if the native Jew was not capable of holding land, then an inconceivable anomaly would have been introduced by the new act into the law, inasmuch, as it enabled a foreign Jew, by a short residence in the colonies, to acquire a right, which, native-born Jews not only do not possess, but which as the act applies only to foreigners, they are incapable of acquiring. With respect to this mode of reasoning, it is to be observed, that the assumption of the construction contended for is what alone introduces the difficulty; because if the intention of the legislature were to place the foreign only in the same situation as the native Jew, no difficulty would arise: and that this last is the true construction of the intention of the legislature, is supported by very high authority. Mr. Justice Blackstone seems clearly to have been of this opi-

nion. Speaking of the privileges which the persons availing themselves of this act acquire, he says — “They therefore are admissible to all other privileges which Protestants or Jews born in this kingdom are entitled to. What those privileges are, with respect to Jews in particular, was the subject of very high debates, about the time of the famous Jew bill, which enabled all Jews to prefer bills of naturalization in parliament, without receiving the sacrament, as ordained by statute of 7 James I.” But even admitting the construction contended for to be correct, still the same reasoning which has been used with respect to the force which an inference of the apprehension of the legislature can have upon a previously express act, must in this case also prevail.

These latter observations also, apply equally to the inference which has been drawn, from the legislature having passed the statute of the 26 Geo. 2. ; by that statute any Jew who should reside three years in Great Britain or Ireland, was enabled to obtain an act of naturalization without taking the sacrament;—but a clause was introduced into the act, by which persons professing the Jewish religion were disabled from purchasing any advowson or ecclesiastical presentation. With reference to this exception it is contended, that “as advowsons are a species of real estate, the clause with respect to them would have been useless, if it had been true that Jews, even though naturalized or born in this country, were incapable of possessing that kind of property. And further, to suppose that it could be intended to continue such an incapacity with respect to persons permitted to be

naturalized, would be a contradiction in terms ; since a clause enabling to hold land is constantly inserted in naturalization bills.”

Now in addition to the reasons applicable to this act, in common with the statutes before referred to, there is a circumstance which goes a great way to prove that the inference drawn from it, of the apprehension of the legislature that native Jews are capable of holding land is not well founded. It appears that at the time the last mentioned act was repealed, it was still a question in the House of Lords, what the right of Jews in this respect was ; and a motion was made in that house, that the opinion of the judges should be taken upon the subject.

The following is an extract from Mr. Coxe's MSS. in Lincoln's Inn Library* :—“ Mich. 27 Geo. II. A question having been started on occasion of the late act of parliament, concerning the naturalization of the Jews, which act was repealed this session, whether Jews are entitled to purchase and hold lands in England ; Lord Temple, after the repeal of the act, moved in the House of Lords, that some method might be taken to ascertain this question, and that for this purpose, the judges might be desired to attend and give their opinions upon it, which was opposed, and the motion rejected for many reasons, but particularly, because the judges are not obliged to give their opinions to the House upon such extrajudicial questions, where no bill is depending ; and the Duke of Argyle mentioned a case, in Queen

* See 2 Swanst. p. 508.

Anne's time, where such a question being put to the judges, Lord Chief Justice Holt, in the name of himself and the rest, insisted that they were not obliged to give their opinions on any such questions, and his objections were allowed by the House.*

The same arguments which have been used with respect to the operation of the above-mentioned statute of the 55 Hen. 3., are equally applicable to their effect upon any of the provisions of the statute of the 18 Edw. 1. With respect, however, to the last-mentioned statute, it has been supposed, that a statute passed in the time of Hen. 8., rendered nugatory the whole of its provisions. The act of Hen. 8. was as follows: "Where before this time, divers and sundry acts and laws have been ordained, had and made, within this realm, for the avoiding and punishment of usury, being a thing unlawful, and of other corrupt bargains, &c. which acts have been so obscure, that by reason thereof, little or no punishment hath ensued to the offenders of the same, but rather hath encouraged them to use the same: for reformation thereof, be it enacted, &c. that all and every the said acts heretofore made, of or concerning usury, shifts, corrupt bargains, chevisances, &c., and every of them, and all pains, forfeitures, and penalties concerning the same, and every part thereof, shall from henceforth be utterly void, and of no effect." Now, as it is only necessary to read the

* Upon the observations made in the text, upon the effect of the modern statutes on the previous state of the law, as applicable to the right of the Jews to hold land in this country,—see the Introductory Chapter to this work.

words of this statute, as given above, to see that the views of the legislature in passing it, were confined simply to laws relative to usury ; it must, it is apprehended, be conceded, that its operation could not extend to repeal any statutory enactments which had not that subject for their object. It cannot be doubted, that the legislature might in terms have repealed so much of the act of the 2 Edw 1. only, as related to usurious dealings, and if it is plain, that the legislature had not the intention to repeal more than such parts, then it is conceived that the effect of the repealing statute is as much confined as though its operation had in terms been limited to that portion only ; and if this be the case, then the statute of Henry the 8th leaves the law as far as regards the question of the present enquiry, untouched.

If the view which has been taken upon this subject is correct, the Jews of the present day stand precisely in the same condition, as regards their right to take or to hold landed property, as they did at the time of their banishment in the 18th of Edward the First. That is to say, they are incapable of either holding or taking land.

It ought to be observed, that in the early part of the last century, the opinions of the most eminent lawyers of the day were taken upon the question, whether or not a Jew was under any incapacity with respect to landed property.* They were unanimous in stating, that they were not

* These opinions are published by Mr. Goldsmid, in his pamphlet, from Mr. Webb's Book, and they will be also found in the Gentleman's Magazine.

aware of any law which disqualifies a Jew in this respect. But in the view which the author has taken, these opinions cannot be considered as bearing against the conclusion to which he has come: inasmuch as it is certain, that the very eminent persons who gave these opinions, were not in possession of any of the facts upon which the view here expressed is founded. It was not till after those opinions were given, that the ordinances of Henry the Third were discovered by Dr. Tovey; and it is only very lately that the unquestionable existence of those ordinances has been established, by their having been discovered in the Tower, and published in the parliamentary edition of Rymer's *Fœdera*.

It would not be right to close this treatise, without noticing an opinion, which, however erroneous it may be, is certainly very prevalent—namely, that Jews, whether born in this country or not, are by law considered as aliens; and, on this account, are incapable of holding lands: when the only grounds upon which, as it is believed, this opinion can be founded, are examined, it will at once be seen, that it does not rest upon any sufficient authority. Sir Edward Coke, in his writings, speaks of the Jews as infidels: “Thus this noble king (Edward the First) banished for ever these infidel usurious Jews;” and in another place he speaks of infidels as alien enemies, and says they are *perpetui inimici*; for between them, as with the devil, whose subjects they are, and the Christian, there is a perpetual enmity, and can be no peace.” From these two assertions, namely, that Jews are infidels, and that infidels are

perpetual enemies, it is concluded, as a necessary inference, that Sir Edward Coke was of opinion that the Jews were to be considered as perpetual aliens. Supposing this really to have been the opinion of Sir Edward Coke, yet his bare opinion, high as his authority may be, would not of itself be sufficient to establish so outrageous a proposition. But, further, the position has been directly denied by Lord Hardwicke, and by Chief Justice Willes, who, in the case of *Omychund and Baker*, gave their unqualified dissent to the whole reasoning of Sir E. Coke upon the subject. The only other authority to be met with, is an assertion made by the Attorney General, Sir Robert Sayer, in an argument in the Court of King's Bench, in the case of the *East India Company v. Sands* (2 Show. Rep. 370.) in the 36th year of Charles 2. He is reported to have said, that "the Jews are here by an implied licence, but on a proclamation of banishment : it is like a determination of letters of safe conduct to an alien enemy, who was here by virtue of such letters, before," &c. In support of this assertion, no authority whatever was cited. nor was any sanction given to it by the Court; it could not, therefore, it is conceived, under any circumstances, be considered of any weight, much less can it be held to have any force in support of the opinion, that the native Jews are in the situation of aliens, when it is remembered, that at the time when the assertion was made, the Jews had so lately obtained re-admission into this country ; that there could have been but few, if any, adult Jews who were born in England. Such of that nation, therefore, who were resident

here, were at the time really aliens, and might probably with truth be stated to be resident here under an implied licence.

When it is known that this is the whole amount of the authority for the assertion, that all Jews are aliens, it will not, it is conceived, be thought necessary that any arguments should be gone into, to shew that the assertion is without foundation.

APPENDIX.

A.

CAPITULA DE JUDÆIS.

OMNIA debita et vadia Judæorum imbrevenientur, terræ, domus, redditus, et possessiones. Judæus vero qui aliquid horum celaverit, sit in forisfactura Domini Regis de corpore suo, et concelamento, et de omnibus possessionibus suis et omnibus catallis suis, nec unquam concelamentum Judæo recuperare licebit. Item provideantur sex vel septem loca, in quibus facient præstita sua, et provideantur duo legales Christiani et duo legales Judæi et duo legales scriptores, et coram illis et clericis Willielmi de St. Mariæ Ecclesia, et Willielmi de Chimilli fiant præstita, et Chartæ præstitorum fiant in modum Chirographi. Et altera pars remaneat Judæo sigillata sigillo illius, cui pecunia traditur; et altera pars remaneat in arcâ communi, in quâ sunt tres serruræ: unde duo Christiani habeant unam clavem et duo Judæi unam et clerici Willielmi de S. Mariæ Ecclesia, et Magistri Willielmi de Chimilli habeant tertiam; et præterea tria sigilla et qui claves habuerint sigilla apponent; clerici autem prædictorum Willielmi, et Willielmi habeant rotulum de transcriptis omnium Chartarum et sicut chartæ mutabuntur, mutetur et rotulus, de singulis chartis dentur tres denarii, medietas à Judæo et medietas ab eo cui pecunia creditur unde duo scriptores habeant duos denarios,

et custos rotuli tertium, et de cætero nullum fiet præstitum, nulla Judæis fiet solutio, nulla fiet Chartarum mutatio, nisi coram prædictis vel majori parte, si omnes interesse nequiverint. Et prædicti duo Christiani habeant unum rotulum de recepta Judæorum solutionis eis de cætero faciendæ et duo Judæi unum; et custos rotuli unum. Item quilibet Judæus jurabit super rotulûm suum, quod omnia debita sua, et vadia, et redditus, et omnes res et possessiones suas imbrevari faciet, et quod nihil celabit, ut prædictum est. Et si scire poterit quod aliquis aliquid celaverit illud justitiis ad eos missis secreto revelabit, et quod falsonarios chartarum et re-tonsores denariorum, ubi eos scient, detegent et monstrabunt et de falsis chartis similiter.—Hoveden, Pars. Poster. p. 743.

B.

CHARTA JUDÆORUM ANGLIÆ ET NORMANIÆ.

Johannes Dei gratia, &c. Sciatis nos consessisse omnibus Judæis Angliæ et Normanïæ, libere et honorifice habere residentiam in terra nostra et omnia illa de nobis tenenda quæ tenuerunt de Rege Henrico avo patris nostri; et omnia illa quæ modo rationabiliter tenent in terris et feodis, et vadiis et akatis suis et quod habeant omnes libertates et consuetudines suas sicut eas habuerunt tempore predicti Regis H. avi patris nostri, melius et quietius et honorabilius. Et si querela orta fuerit inter Christianum et Judæum, ille qui alium appellaverit ad querelam suam dirationandam, habeat Testes, scilicet legitimum Christianum et Judæum. Et si Judæus de querela sua breve habuerit, breve suum erit ei testis. Et si Christianus habuerit querelam adversus Judæum sit Judicata per pares Judæi. Et cum Judæus obierit non detineatur corpus suum

super terram sed habeat hæres suus pecuniam suam et debita sua, ita quod mihi non disturbetur, si habuerit hæredem qui pro ipso respondeat et rectum faciat de debitis suis et de forisfacto suo ; et liceat Judæis omnia quæ eis apportata fuerint sine occasione accipere et emere, exceptis illis quæ de ecclesiæ sunt et panno sanguine lento. Et si Judæus ab aliquo appellatus fuerit sine teste de illo appellatu erit quietus solo Sacramento suo super librum suum et de appellatu illarum rerum quæ ad coronam nostram pertinent: similiter quietus erit solo Sacramento suo super Rotulum suum. Et si inter Christianum et Judæum fuerit dissensio de accommodatione alicujus pecuniæ Judæus probabit catallum suum et Christianus lucrum. Et liceat Judæo quiete vendere vadum, postquam certum erit, eum illud unum annum et unum diem tenuisse. Et Judæi non intrabunt implacitum nisi coram nobis, aut coram illis qui turres nostras custodierint, in quorum ballivis Judæi manserint. Et ubicunque Judæi fuerint liceat eis ire ubicunque voluerint, cum omnibus catallis eorum sicut res nostræ propriæ, et nulli liceat eas retinere, neque hoc eis prohibere. Et præcipimus quod ipsi quieti sint per totam Angliam et Normaniam de omnibus consuetudinibus et Theoloniis et modiatione vini *sicut nostrum proprium catallum*. Et mandamus vobis et præcipimus quod eos custodiatis et defendatis, et manu teneatis, et prohibemus nequis contra Chartam istam de his supredictis eos in placitum ponat super forisfacturam nostram, sicut Charta Regis H. patris nostri rationabiliter testatur. Teste T. Humf. filio Petri Com. Essex. Willielmi de Merescal. Com. de Pembr. Henr. de Bohun Com. de Hereford. Robert de Turnham, Willielmo Brywer, etc. Dat. per manum S. Well. Archidiacon, apud Marleberg, decimo dei Aprilis Anno Regni nostri secundo.—Charta 2 John, n. 49.

CONFIRMATIO JUDÆORUM DE LIBERTATIBUS SUIS.

Johannes De Gratia, &c. Sciatis nos concessisse, et presenti carta nostra confirmasse Judæis nostris in Anglia, ut

excessus qui inter eos emergerint, exceptis hiis qui ad coronam et justitiam nostram pertinent, et de morte hominis et mahemio et de assaltu præmeditato, et de fractura domus et de raptu et de latrocinio, et de combustione, et de thesauris inter eos deducantur secundum legem suam, et emendentur et Justitiam suam inter seipsos faciant. Concedimus etiam eis, quod si quis eorum alium appellaverit de querela quæ ad eos pertineat, nos neminem compellemus ad testimonium cuiquam eorum contra alium exhibendum sed si appellator rationabilem et idoneum testem habere poterit, eum secum adducat. Si quod vero opus sceleratum et apertum inter eos emergerit quod ad coronam nostram vel ad justitiam pertineat; sicut de prædictis placitis coronæ licet nullus eorum noster appellator fuerit, nos ipsam querelam faciemus per legales Judæos nostros Angliæ inquire, sicut Charta Regis H. Patris nostri rationabiliter testatur. Teste G. filio Petri Com. Essex. Willielmo Mareschallo Com. de Pembr. Hen. de Bohun Com. de Hereford, Petro de Pratell. Roberto de Turnham, Willielmo de Waren, Hugo de Nevil, Roberto de Veteri Ponte, Dat. per Manum S. Well. Archidiac, apud Merleberg decimo die Aprilis, Anno Regni nostri secundo.—Charta 2 John, n. 53.

C.

Henricus, Dei Gratia, Rex Anglia, &c. Dilectis et fidelibus Major et Vicecomitibus suis London. et omnibus ballivis et fidelibus suis, ad quos, &c. Salutem. Sciatis, quod, ad honorem Dei, et Universalis Ecclesiæ, ac emendationem et utilitatem terræ nostræ et relevationem Christianorum de damnis et gravaminibus quæ sustinuerunt occasione liberorum tenementorum quæ Judei Regni nostri clamabant habere in

terris, tenementis, feodis, Redditibus, et aliis tenuris: et ne nobis seu communitati Regni nostri vel ipso Regno, possit de cætero præjudicium generari: *Providimus de consilio prælatorum magnatum et procerum qui sunt de concilio nostro ac etiam ordinavimus et statuimus* pro nobis et hæredibus nostris quod nullus Judæus liberum tenementum habeat in maneriis, terris, tenementis, feodis, redditibus, vel tenuris, quibuscunque per cartam, donum, feofamentum, confirmationem seu quamcunque aliam obligationem, seu quocunque alio modo.

Ita tamen quod domos suas, quas ipsimet inhabitant in civitatibus, burgis, seu aliis villis inhabitent, de cætero, et eas habeant, sicut habere consueverint temporibus, retroactis. Et etiam alias domos suas quas locandas habebunt, licite locare possint Judæis tantum, et non Christianis.

Ita tamen quod non liceat Judæis nostris London plures domos quam nunc habeant emere, sive quocunque alio modo perquirere, in civitate nostra London: per quod ecclesiæ parochiales ejusdem civitatis, vel rectores earundem, jacturam incurrant. Poterunt tamen eidem Judæi London. domos et ædificia sua antiqua, prius diruta et destructa reparare, et in statutum pristinum redigere, ad voluntatem suam.

Providimus etiam et statuimus de eodem concilio nostro quod de domibus suis prædictis inhabitand. vel locand. ut prædictum est, nullus Judæus placitet, vel placitare possit, per brevia nostra originalia de cancellaria, sed tantum coram Justiciariis nostris, ad custodiam Judæorum assignatis, per brevia Judaismi consueta et hactenus usitata.

De terris autem et tenuris de quibus Judæi, *ante præsens statutum* feofati fuerunt, et quas nunc tenent, volumus quod hujusmodi infeodationes et dona penitus adnullentur: et terræ et tenementa illa, Christianis, qui sibi ea dimiserint remaneant. Ita tamen quod Christiani satisfaciant ipsis Judæis de pecunia seu catallo, contenta in cartis, et chyrographis suis, sine usura quod Judæi pro hujusmodi dono vel feodatione, dederint Christianis. Hac etiam adjecta conditione, ut si Christiani illi, incontinenter, inde satisfacere non possint, liceat Judæis

prædictis tenementa illa aliis Christianis dimittere, donec inde per rationabilem extentam, secundum verum valorem eorundem, catalla sua, sine usura, levare possint. Salvo tamen Christianis illis herbergagio suo. Ita quod Judæus pecuniam seu catallum suum per manus Christianorum, et non Judæorum, inde recipiat sicut prædictum est.

Et si contingat Judæum aliquod feofamentum à modo recipere à quovis Christiano, de aliquo feodo, seu tenemento *contra præsens statutum*, Judæus ipse dictum tenementum seu feodum penitus amittat; et in manum nostram capiatur, et salvo custodiatur; et Christiani illi vel eorum hæredes, terram vel tenementum illud de manu nostra rehabeant.

Ita tamen quod totam pecuniam, quam ab ipsis Judæis pro hujusmodi feofamento receperent nobis tunc solvant. Vel si eorum facultates ad hoc non sufficiant tunc verum valorem tenementorum seu feodorum illorum, nobis et hæredibus nostris annuatim reddant, ad Scacarium nostrum, per veram et rationabilem extentam eorundem, donec de hujusmodi pecunia, seu catallo, nobis plene fuerit satisfactum.

De nutricibus autem parvulorum pistoribus et brasiatoribus et cocis Judæorum quia Judæi et Christiani in cultu fidei dispares sunt, providimus et statuimus quod nullus Christianis vel Christiana, eis ministrari presumat in ministeriis predictis. Et quia Judæi quosdam redditus de terris et tenementis Christianorum, tanquam perpetuos dudum recipere solent per manus Christianorum qui etiam feoda dicebantur, volumus et statuimus quod statutum tunc inde per nos factum, firmitatis robor obtineat; nec ei per præsens statutum in aliquo derogetur. Et *ideo vobis præcipimus* firmiter injungentes quod provisionem, ordinationem, et statutum prædictum publice, per totum ballivam vestram clamari, et firmiter teneri et observari faciatis.

In cujus et Teste Rege apud Westm. 25 die Julii, anno 55 Eodem modo mandatum est singulis Vicecomitibus per Angl. T. ut supra.

Henry, by the grace of God, king of England, &c. To all our sheriffs, bailiffs, and liege subjects, to whom these presents shall come greeting, Know ye, that for the honour of God and the universal church, for the amendment and advantage of our kingdom, and for relieving Christians from the damages and grievance which they have suffered by the freeholds which our Jews claimed to have in lands, tenements, fees, rents, and other tenures; and that no prejudice may hereafter happen to us, to the commonweal of our kingdom, or to the kingdom itself, we by *the advice of our bishops, nobles, and great men who are of our council, have provided, ordained, and enacted*, for us and our heirs, that no Jew shall from henceforth have a freehold in any manors, lands, tenements, fees, rents, or tenures whatsoever, either by charter, gift, feoffment, confirmation, or other grant, or by any other means whatever.

Provided nevertheless, that they may hereafter hold, as in times past they were accustomed to hold, those houses in our cities, boroughs and towns, which they themselves inhabit; and likewise that they may let those houses to lease, which they now hold for that purpose, to Jews only, but not to Christians.

Yet nevertheless it is here provided, that it should not be lawful for our Jews of London to purchase, or by any other method to acquire, more houses than they now have in our said city of London; by which the parochial churches of the said city, or their incumbents, may incur a loss. However, it shall be lawful for the said Jews of London at their pleasure to repair their houses, and even to rebuild and restore to their former condition, such of their old houses as have fallen down or been demolished.

We likewise, by and with the advice of our said council, provide and enact, that with respect to the said houses so to be inhabited, or let to lease as aforesaid, no Jew shall sue or be sued by our original writs out of chancery, but before our jus-

tices appointed for taking care of the Jews, and by the writs of Judaism hitherto used and accustomed.

But with respect to those lands and tenures in which the Jews were before *this statute* infeoffed, and which they now hold, our will is, that such infeoffments and grants shall be absolutely annulled ; and that the said lands and tenements shall return to the Christians who granted the same ; but upon condition that the said Christians shall make satisfaction to the Jews, without usury, for the money or consideration, contained in the charters and writings, which was paid by the Jews to the Christians, for the said feoffments or grants. And also upon condition, that if the said Christians cannot make immediate satisfaction for the same, it may be lawful for the said Jews, to make over the said tenements to other Christians, until the consideration paid by them, can without usury be raised out of the rents and profits of the said estate according to its true value by a reasonable assessment ; saving however to such Christians their subsistence ; and so as that the Jew may from thence receive the money or consideration by the hands of some Christian and not of any Jew, as aforesaid.

And if a Jew should hereafter happen to receive from any Christian a feoffment of any fee or tenement, contrary to this *present statute*, the said Jew shall absolutely forfeit the said tenement or fee, and the same shall be taken into, and safely kept in our hands ; and the Christians or their heirs may recover the said lands or tenements out of our hands ; but upon condition that they pay to us the whole money which they received from the said Jews for such a feoffment. Or if they have not sufficient wherewithal to do this, they shall then pay yearly to us and our heirs at our exchequer, the true yearly value of those tenements or fees, according to a just and reasonable assessment, until we have had full satisfaction of the said money or consideration.

And with regard to the nurses of Jewish children, and the bakers, brewers, and cooks of the Jews, as they and the

Christians are different in their faith and worship, we provide and enact, that no Christian man or woman shall presume to serve them in any of these capacities.

And because the Jews have long since been accustomed to receive, by the hands of Christians, certain rents something like fee-farm-rents, out of the lands and tenements of Christians, which likewise have been called fees, we will and ordain, that the statute relating to them heretofore by us made, shall remain in full force, nor shall any way be derogated from by this present act; therefore *we command* and strictly charge you, that you cause the said provision, ordinance, or statute, to be publicly proclaimed, and duly observed and obeyed, throughout your whole bailiwick.

In testimony whereof we have caused to be issued these our letters patent. Witness myself at Westminster, 24th day of July, and of our reign the 54th year.

D.

STATUTUM DE JUDÆISMO.

Pur ceo que le Roy ad viewe, que multz de males, et dis-heritesons de prodes hommes, de sa terre, sont avenues per les usuries, que les Jews ont fait ceo en arrere, ut que multz des peches ent sont surd de ceo; mes que luy et ses ancestors eient eu grande preu de la Jewrie tout en ceo en arrere: nient purquant en lonour de Dieu, et pour la comen preu del people, ordeigne le Roy et establee, que nul Jew desoremes ne preste rien a usurie sur terres, rents ne sur autres choses; et que nul usure ne courge del Seint Edward prochainement passe en avant. Mes que les covenants avant faitz soient tenus, sauve

que les usuries mes cessent : mes que tous que doivent dette a Jewes sur gages moebles, les acquitent entre cy et la Pasche a pluis tard ; et si non, soit encorus. Et si nul Jewe preste a usure, contre cest establishment ; le Roy pur luy ne pur nul de soens ne se entremetra, de faire luy recoverer son prest, eins luy punira a sa volunte pur la trespas, et au Christien fra droiture de son gage recoverer.

Et purveu est, que les distresses pur destre des Jewes ne soient desoremes si grievouses, que la moyte de la terre, et des chateux as Christiens ne demorge a lour sustenance. Et que nul distress ne soit fait pur det de la Jewrie sur le heure au dettour nosme en la chartre de Jew, ne sur autre que teigne la terre que fuit a dettour avant que la dette soit dereigne et conue en court. Et si viscount ou autre Bailliff per commandement le Roy deive faire seisin au Jewe, a un ou plours, pur lour dette, de chateux ou de terre a la value de la dette, les chateux soient prises par serement de prodes homes, et soient bailiz au Jewe ou a Jewes, ou a lour message, a la mountance de la dette ; et si les chateux ne sufficient, lez terrez soient extendus par mesme le serement, avant que la seisin soit liverrie au Jewe ou a Jewes, a chescun solonc son afferant, issent que leur puisse saver certainement que la dette soit quite, que le Christien puis adonques avoir sa terre : saufe a tous jours au Christien la moitee de la terre et de ses chateux a sa sustenance, come avant est dit, et la chefe mees.

Et si nul chose emble apres cest heure soit trove en la seisin de Jew, et ascun voudra suer, le Jewe eyt son garant, si aver le poet, et si non, respoigne ; issint que de ceo unques ne soit privilege auterement que Christien.

Et que tous les Jewes soient manantz en les cities et en les boroughes propres le Roy, ou les houches cyrograffes de la Jewrie solent estre. Et que chescun Jewe, puis que il averoit passe vii ans, port un signe en son sovereigne garnement, cest ascavour en forme de deux tables joyntz de feutre tandue de la longure de vi pous et de la lature de iii pous ; et que chescun, puis que il avera passe xii ans, paie iii deniers de

chief age par an au Roy, que serfs il sont, a la pasche : et ceo soit entendé auxibien de femmes come de homes.

Et que nul Jewe eit poier, de feoffer autre Jewe ne Christien de lour mesons rentes ou tenements, que ils eient aprivoises, ne de alier en nul maner, ne de faire acquittance a nul Christien de sa dette, sans la conge le Roy especial ; tant que le Roy eit autre chose ordeigne.

Et pur ceo qe seynt esglise voet et soeffre, que ils vivent, et soient gardez ; le Roy les prent en sa protection, et lour doigne sa peax, et voet que ils vivent, et soient gardez et defendus per ses viscountes et les autres bailliffes et par si foialx ; et commande que nul lour face male tort ne fort en lour corps ne en lour biens moebles ou non moebles, et que ils ne pledent ne soient empledes travailles ne challenges en nulle courte forsque en le court le Roy, que serfs ils sont.

Et que nul soit obesant, respoignant, ne rent rendant forsque au Roy ou a ses bailliffes en son nome, si ceo ne soit de lour measons, que ils teignent ore pur rent rendant ; sauve le droit de saint esglise.

Et le Roy lour grant, que ils vivent de lour marchandises loialx et par lour labour, et que ils communent ovesque les Christiens, pur loialment merchander en vendant et en achatant : mes que per cest encheson ne autre ne nul Christien soit couchant de levant enter eux. Ex ne voet le Roy, que par encheson de lour marchandise, que soient en lottes ne en escotes nen tallage ove ceux de cities ne de boroughes ou ils meignent ; de sicome ils sont tayllables au Roy *come les soens serfs*, et a nul autre.

Derechiefe le Roy lour grant, que ils puissent achater mesons et curtilages en les cities ou en les boroughes, ou ils meignent ; issent que ils les tiegnent en chief du Roy. Sauve au Seignorages les services dues et customes.

Et que ils puissent prendre terres a ferme a terme de dix ans, ou a meins, sans prender homages et foialties ne tiel maner dobeissance de Christien, et sans avoir avouson de saint esglise, pur gagner en le secle lour vivre, si ils ne scavent mar-

chaunder, ou ne poient labourer. Et cest poiar, pur prendre terres a ferme, ne lour durera forasque xv. ans de cest heure an avant.

Whereas the king has observed that, in times past, many honest men have lost their inheritances, by the usury of the Jews; and that many sins have from thence arisen; although Judaism is and has been very profitable to him and his ancestors, yet nevertheless he ordains, and establishes, for the honour of God, and the common benefit of the people, that no Jew, hereafter, shall in any manner practise usury. And that no usurious contracts already made, since the feast of St. Edward, last past, shall stand good, excepting covenants relating to the principal sum. Provided also, that all those who are indebted to the Jews, upon pledges moveable, shall redeem them before Easter next, under pain of forfeiture. And if any Jew shall practice usury against the intent of this statute, the king promises neither to give him assistance by himself, or officers, in recovering his debts, but on the contrary, will punish him for his trespass, and assist the Christians against him in the recovery of their pledges.

And it is further enacted, that no distress for any Jew's debt, shall hereafter be so grievous, as not to leave Christians the moiety of their lands and chattels for subsistence. And that no distress shall be made by any such Jew, upon the heir of his debtor named in the bond, or any other person in possession of the debtor's lands, before such debt shall be proved in court. And if the sheriff, or other bailiff, is commanded by the king to give seisin or possession to any Jew of lands or chattels to the value of his debt, the chattels shall first be appraised by the oath of honest men, and delivered to the Jew or Jewess to the value of the debt. And if the chattels be not found sufficient to answer it, then the lands shall be extended by the same oath, according to their separate values, before seisin is given of them to the Jew or Jewess; to the intent, that when the debt is certainly known to be discharged, the

Christian may have his lands again. Saving to the Christian, nevertheless the moiety of his lands and chattels, and the chief house for his sustenance, as is before expressed.

And if any thing stolen be found in the possession of a Jew, let him have his summons, if he regularly may have it: if not, he shall answer in such a manner as a Christian would be obliged to, without claiming any privilege.

Likewise all Jews shall be resident in such cities and boroughs as are the king's own; where the common chest of their indentures is wont to be kept. And every one of them, that is past seven years of age, shall wear a badge, in form of two tables of yellow taffety, six fingers long, and three fingers broad, upon his upper garment; and every one that is past twelve years shall also pay annually to the king at Easter the sum of three-pence, both men and women.

And no Jew shall have power to alienate in fee, either to Jew or Christian, any houses, rents, or tenements, which they have already purchased, or dispose of them in any manner, or acquit any Christian of his debt, without the king's special licence, till he hath otherwise ordained.

And because holy church wills and permits that they should live and be protected, the king takes them into his protection; and commands that they shall live guarded and defended, by his sheriffs, bailiffs, and other liege people. And that none shall do them harm, either in their persons or goods, moveable or immoveable, or sue, implead, or challenge them in any courts but the king's courts, wheresoever they are.

And that none of them shall be obedient, respondent, or pay any rent, to any but the king, or his bailiffs, in his name, excepting for their houses which they now hold, rendering rent; saving, likewise the rights of the holy church.

And the king also grants, that they may practice merchandise, or live by their labour, and for those purposes, freely converse with Christians. Excepting that upon any pretence whatever, they shall not be levant, or couchant, amongst

them : nor on account of their merchandise, be in scots, lots, or talliage, with the other inhabitants of those cities or boroughs, where they remain : seeing they are talliable to the king as his own *serfs*, and not otherwise.

Moreover the king grants them free liberty to purchase houses, and curtilages, in the cities and boroughs where they reside : Provided they are held in chief of the king. Saving to the lords their due and accustomed services.

And further the king grants, that such as are unskilful in merchandise, and cannot labour, may take lands to farm, for any term not exceeding ten years : Provided no homage, fealty, or any such kind of service, or advowson to holy church, be belonging to them. Provided also that this power to farm lands, shall continue in force for fifteen years, from the making of this act, and no longer.

E.

OUTLAWRY.

Rex Vicecom. Norf. Scil : *Licet de consuetudine longeva dicatur obtentum in regno nostro quod nos in domibus et aliis quas acquisiverint Judæi in regno nostro succedere debeamus ipsis Judæis aures tamen nostras precibus Edmundi Kake de Norwich Capellani misericorditer inclinantes concessimus eidem Edmundo, de gratia nostra quod non obstante consuetudine prædicta habeat messuagium illud in Norwic. de quo nuper seisinam fieri fecimus majistro Benedicto, et quod Seigumet Judæis utlagatus tenuit de prædicto Edmundo in eadem villa de Norwic. Et ideo tibi præcipimus, quod eidem Edmundo de prædicto messuagio, sine dilatione plenam seisinam habere facias.*—Claus. 34 H. 3. m. 19. dorso.

Juratores super sacrum suum dicunt quod prædictum messuagium fuit quondam Eliæ le Bland qui ad diem clausit extremum et *quia mos est Judaismi quod Dominus Rex omnia et catalla Judæi mortui de jure dare poterit cui voluerit nisi propinquior hæres ejusdem Judæi finem fecerit* pro eisdem: dicunt quod dominus Rex dictum messuagium dare poterit cui voluerit sine injuriâ alicui facienda si ita quod sit hæres dicti Eliæ finem non fecerit pro catallis ejusdem Eliæ habendis.—Escheata Ann. 52 H. 3. num. 31.—Molloy de Jure Maritimo, 380.

Aaron Judæus Ebor et Benedictus filius Jossei hæredes Samuelis fil. Joscei Judei finem fecerunt cum rege pro habendis terris et catallis quæ fuerunt prædicti Samulis pro centum libris et quibus reddit *xxl.* per ann. et sic de anno in annum et de termino in terminum donec predic. *100l.* plene fuerint solutæ. Et mandatum est justic. ad custod. Judæorum assignatis quod ita irrotulari et omnes terras et catalla prædicta eisdem Aaron et Benedicto deliberari faciant; salvo uxori ejusdem Samuelis rationabile dote sua secundum legem et consuetudinem Judæorum, quam quidem dotem idem justiciar. ei sine dilatione faciant assignari. T. R. apud Woodstock. —Claus. 26. H. 3. p. 1. m. 3.

Rex Bar. suis de scac. salutem mandamus vobis quod distringatis Mayden quæ fuit uxor Jacob. Crespin. ad reddend. Moss. fil. prædict. Jacob. et Isaac. fratri suo terras domos redditus catalla et omnia debita quæ fuerunt prædicti Jacob. patris sui pro quibus ipse Moss. et Isaac. finem fecerunt nobis cum sicut per alias literas nostras vobis significavimus. Et cum prædicti Moss. et Isaac. seisinam habuerint de prædict. terris domibus redditibus catal. et debitis tunc eidem Mayden rationabilem dotem suam a prædict. Moss. et Isaac. faciatis assignari. T. R. apud Mercedet. 2 die Maii.—Claus. 26 H. 3. p. 1. m. 3.

F.

Rex Justic. ad custod. Judæorum assign. salutem. Sciatis Nos de gratia nostra speciali remisisse dilectis et fidelibus nostris Rogero Bertram, &c.—Ut nobis devotiores et ad obsequium nostrum promptiores efficiantur omnia feoda in quibus ipsi anteorum antecessor teneb. quibuscunque Judeis nostris Angliæ pardonavimus etiam prefatis R. &c. fidelibus nostris prædict. omnes usuras et pœnas in quibus ipsi vel sui antecessores eisdem Judeis per cartas suas teneantur ita videlicet quod in pecunia quam prædict. R. &c. a prefatis Judeis mutuo ceperunt eisdem Judeis reddere teneantur super qua quidem pecunia prefat. R. &c. sacramento suo coram vobis prestito et aliorum fide dignorum ad hoc juratorum credantur. Et ideo vobis mandamus quod omnes Judeos qui in regno nostro existunt presentes vel hæredes eorum qui mortui sunt quibus eidem fideles nostri in aliquo debito tenebantur certis diebus et locis coram vobis venite et omnes cartas per quas omnibus Judeis Angliæ tenebantur in aliquibus debitis vel feodis ab archis Cyrograph. Judeorum extrahi et eisdem liberati et ipsos de prædict. feodis de pœnis et usuris quietos esse et sic fieri et irrotula re faciatis ita tamen quod dict. pecunia sic a Judeis præfat. mutuo accepta prædicti R. &c. eisdem Judeis ad rationabiles terminos quos eis assignabitis satisfaciant ita quod dicta pecunia sic mutuata non usuret et si præfati Judei vel aliqui ex ipsis fuerint mortui ita quod catalla sua sunt nostra escaeta tunc prædicti R. &c. nobis inde satisfaciant ad scac. nostrum T. R. apud Westm. 28 die Octob.—Fines 48 H. 3. m. 1. &c. 2 Dem. 54.

G.

Rex Thesaur. et Camerariis suis salutem Quia Edwardus fil. in cui Judaismum nostrum sicut nostris ad tempus com-

missimus nostro prorsus ac magnatum et fidelium nostrorum spreto consilio subito et ex inopinato jam recessit ad quosdam rebelles nostros se transferendo qui nos gravare et pacem Regni nostri perturbare proponunt dictum Judaismum capimus in manum nostram. Et ideo vobis mandamus quod assumpto Vobiscum Magistro Thom. de Cantelupo Cancellario nostro si adhuc Londini existat *tallagium nuper assessum super Judaismum predict. per Tho. de Irpergue ad hoc assignat per predict. fil. nostr. videri* et illud ad opus nostrum colligi et salvo custodiri fac donec aliud inde præciperimus Adam. vero de Winton socium Roberti de Crep ab officio suo amoveatis et loco ejus Will. de Hachelbeche substituatis ita quod idem Willielmus et Robertus officio justiciariæ Judeorum amodo intendant donec aliter inde duxerimus ordinand. et eisdem justic. firmiter injungatis ex parte nostra ne præfato fil. nostro vel suis in aliquo intendant et quod ab omnibus Judeis Anglia, hoc idem scire faciant. Et hoc non omittatis T. R. apud Hereford 30 die Maii.—Claus. 49. Hen. 3. m. 4. De Judaismo capiend. in Manum Regis. Prynn 2d Dem. 55.

Rex Thesaur et Baron suis de Scac. salutem Sciatis quod concessimus Edwardo fil. nostro cui Judaismum nostrum commissimus quod justic. sui ad custod. Judeorum assignat habeant Sigillum Scac. nostri Judeorum penes se, et quod omnia brevia et mandata ad Judaismum illum spectantia sub sigillo Scac. nostri Judeorum mittant, ad sigilla nostra de cancellaria, vel de Scaccario nostro. Ita quod brevia et mandata prædict. ibi sine difficultate consignantur, et mandamus Magistro T. de Chishal Cancellario Scac. nostri, quod brevia et mandata illa sine difficultate consignari fac. et attornatos ejusdem filii nostri omnes denar. inde provenient. percipere permittat ad opus ejusdem fil. nostri. Volumus etiam quod idem fil. noster habeat prisonam ad Judeos et alios distringendos et justiciandos, prout secundum legem et consuetudinem regni nostri fieri debet, et consuevit. Et ideo sic fieri faciatis T. R. 12 die Julii. Claus. 46 H. 3. pais. l. m. 4. 2 Dem. 52.

H.

Entre en le post.—Un William porta son breve vers John et demanda certains tens^s. et dit que son ael fuit seisi en temps le Roy Henry, &c. et dit en les queux Johns n'voit entr' si noun puis le leése qe un ael fist a Abraham le Jew et Geoffrey le Jew a terme qe passe est. *Schard.* Scire vous veés bien coment il suppose le leése estre fet a Abraham et Geoffrey qe fuerent Jewes per qui nentendons pas que vous volez de les fet a eux conustre quar de leur tenante il avoit certain ley ordeyne, &c. *Ber.* La Jewerie est defet et la ley ordeyne sur ceo auxi defet et vous dye qe auxibien avera home recoveryr par reson de leése fet a eux come à autres, &c. par qi responez. *Schard.* Scire nous vous dyoins qe puis le temps qe il assigne le leése estre a eux son ael fuit seisi de mesme les tens^s. et les lessa a un Ric. par qi nentendions pas qe nous puissez par cesti breve action avoir. *Scarshill* donque conussey vou le leése estre fet selon ceo qe nostre breve suppose et nous voloins averrer qe nostre ael ne fuit pas seisi, &c. puis cel leése, &c. *Schard.* il fuit seisi puis de et les lepa a Ric. qi éstat nous avions prest, &c. et sic ad patriam.—March 19. Ed. 2. p. Y. B. 632.

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